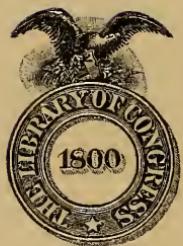


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JOINT PRELIMINARY REPORT

OF THE

COMMITTEE ON BATHING BEACHES AND
RECREATION PIERS

AND THE

LAKE SHORE RECLAMATION COMMISSION

TO

MAYOR BUSSE AND THE CITY COUNCIL

December, 1910



CHICAGO:
THE HENRY O. SHEPARD COMPANY, PRINTERS.
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Committee on Bathing Beaches and Recreation Piers, of the
City Council of the City of Chicago.

WINFIELD P. DUNN, Chairman,
WILLIAM E. DEVER (resigned November 28, 1910),
MILTON J. FOREMAN,
DENNIS J. EGAN,
THEODORE K. LONG,
E. F. CULLERTON (appointed November 28, 1910).

Lake Shore Reclamation Commission, of the City Council
of the City of Chicago.

THEODORE K. LONG, Chairman,
EDWARD J. BRUNDAGE,
DR. W. A. EVANS.

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I.

LETTER OF TRANSMITTAL.

CHICAGO, December 15, 1910.

To the Honorable Fred A. Busse, Mayor, and the Honorable, the City Council of Chicago:

GENTLEMEN,—In presenting this joint preliminary report of the Committee on Bathing Beaches and Recreation Piers and the Lake Shore Reclamation Commission, your committees wish to say that in the consideration of the question of bathing beaches they have not been unmindful of the very suggestive advice of His Honor, the Mayor, in his message of April 12, 1909, as follows:

I desire to suggest further that in dealing with the harbor questions the importance of creating commercial utilities be not permitted to obscure completely the importance of amusement utilities. In connection with outer harbor development particularly, if such should be undertaken, the needs of residents of congested districts who have all too little access to the lake front, should be met with provision for recreation piers or in such other way as may be determined.

Taking the foregoing recommendation as a safe guide, we have strenuously endeavored to work out a general plan or scheme that, while sufficiently comprehensive for the whole lake front, will not be impossible of accomplishment by reason of its prohibitory cost. Our investigations and studies of this very interesting question lead us to the conclusion that the facility of a great and populous center like Chicago for recreation has a marked effect upon health, vice and crime, and it is a well recognized fact that parks, recreation piers and bathing facilities not only lessen crime in a great city, but radically improve and uplift the general moral tone of the community. This is clearly demonstrated in the increase of small parks in certain congested localities. The people of Chicago are entitled to the best that the shore of Lake Michigan can supply and they will not be content until their beaches are made as beautiful and attractive as the sands of Jersey and the coasts of Ostend, and the baths as useful and necessary to their health and happiness as were the celebrated baths of Caracalla and Diocletian to the health and happiness of Rome.

Our general bathing-beach scheme contemplates the establishment of seven open bathing beaches at convenient intervals from Montrose avenue on the north to Seventy-ninth street on the south, and also the creation of an island park on Morgan Reef between Forty-eighth and Fifty-first streets. These beaches would, in a large measure, give back to the people of Chicago the right to use the lake front, from which they have been so unwisely and selfishly deprived.

It is not the design of your committees to favor the expenditure of a large sum of money. While their plan is intended to conform to the general scheme of the Commercial Club, it contemplates the investment only of a sufficient amount at the outset to supply a proper and adequate equipment for immediate use for bathing beaches, and from time to time to add to such equipment by way of bathhouses, gymnasiums, recreation piers and boathouses until our lake front will eventually become so ideal as a resort that it will not only attract our own citizens to the use of its health-giving waters in the summer months, but will also attract hundreds of thousands of others from the surrounding towns of Illinois and adjacent States.

According to the Chicago Plan Committee the waste material from excavations and other sources in Chicago now approximates 1,000,000 cubic yards per annum, or material sufficient to build an island of twenty acres twenty feet above the surface in seven feet of water. It would seem, therefore, that with this vast tonnage of crude construction material to be disposed of the cost of utilizing it on the lake shore would be relatively small and that the building of bathing beaches, recreation piers and pleasure islands is not a remote and fanciful dream, but a plain matter-of-fact business method of making the best use of our waste material.

While the committees feel that in the treatment of this subject, due regard must be had for the rights of those more fortunate citizens whose homes lie adjacent to or front upon the lake shore, sight must not be lost of the fact that after all, the lake shore, in a larger sense, is the common heritage of all the people of Chicago, and that as such common heritage all have the right to use and enjoy the manifold provisions and attrac-

tions with which nature has endowed it. It is manifestly pathetic and cruel to deprive the romping boyhood and girlhood of this great city of a full and free use of the lake shore for bathing and recreation purposes.

We desire to express our obligations to Mr. Edward H. Bennett and Mr. D. H. Burnham for valuable assistance in the preparation of plans, sketches and studies; also to Mr. John Ericson for valuable drawings and estimates furnished, all of which appear in our report.

Yours very truly,

COMMITTEE ON BATHING BEACHES AND RECREATION PIERS,

By W. P. DUNN,

Chairman.

LAKE SHORE RECLAMATION COMMISSION,

By THEODORE K. LONG,

Chairman.

II.

JOINT PRELIMINARY REPORT.

1. HISTORICAL.

The Committee on Bathing Beaches and Recreation Piers had its origin in the work of the License Committee. This latter committee, one of the regular standing committees of the City Council, had under consideration during the months of April and May, 1909, an ordinance introduced by Alderman Jones, which, though designed to regulate the licensing of bathing beaches generally, was inspired by local conditions at Manhattan Beach and beaches adjacent thereto on the south side.

After due consideration given to said proposed ordinance, a substitute ordinance was reported out by the License Committee and passed the Council May 24, 1909. After the passage of this ordinance it was felt by many members of the License Committee that in lieu of the somewhat objectionable so-called amusement beaches, which were designed to be affected by the ordinance just passed, the public should be abundantly supplied with municipal bathing beaches conducted on a thoroughly reputable, hygienic and sanitary basis, and with this object in

view the following resolution was introduced in the City Council by Alderman Dunn, June 8, 1909, and passed unanimously.

WHEREAS, There is an ever-increasing demand by the people of this city for an opportunity to enjoy the refreshing waters of our thirty miles of lake frontage; and,

WHEREAS, The fact that this magnificent stretch of lake shore is without public piers, bathing beaches or recreation spots, calls for immediate action by the municipal authorities, if it is the desire of the public that the lake shore be not monopolized by private individuals for private gain, and that the public be not deprived of the free and unrestricted use and access of the shore waters; now, therefore,

Be It Resolved by the City Council of the City of Chicago, That the Mayor be and is hereby requested to appoint a committee of five aldermen, one from each section of the city, who shall constitute a committee with full power to investigate the feasibility of establishing municipal recreation piers, bathing beaches and boat landings, and shall have the further power to coöperate with the various park boards having jurisdiction over a portion of the waters of Lake Michigan, to the end that a scheme may be developed for the establishment of such piers, beaches and boat landings with or without the coöperation of the park authorities; and, further, to devise ways and means of financing such proposition, and said committee shall report back to this council its findings and conclusions.

Immediately after the passage of the foregoing resolution the Mayor appointed as a committee thereunder, the following named aldermen: Messrs. Dunn, Dever, Foreman, Egan and Long.

2. INSPECTION OF THE LAKE SHORE.

The committee, in its desire to find the sites most available for bathing beaches and recreation piers, viewed with care the lake front from the grounds of the Saddle and Cycle Club, on the north, to Seventy-ninth street and the grounds of the South Chicago Steel Company, on the south. The work of viewing the lake shore was performed partly in automobiles and partly by steam launch; so that the committee feels that its work in this direction was thoroughly and intelligently performed. The committee was accompanied by Alderman A. W. Beilfuss, Chairman of the Special Park Commission, throughout its entire inspection of the lake shore, and by Alderman Charles M. Foell, the then Chairman of the Committee on Harbors, Wharves and Bridges, during its inspection of the shore line from the mouth of the Chicago river to Seventy-ninth street, south.

The amount of beach inspected covers a distance of approx-

imately eighteen miles and includes all the shore line lying immediately in front of the densely populated parts of Chicago, and, hence, all the shore that is readily accessible for bathing purposes for any considerable number of persons.

It goes without saying that this stretch of lake front offers to our city the finest opportunity for summer beach bathing of any city in the world, and the only remarkable feature about it is, that no systematic effort has ever been made to procure an adequate part of this magnificent beach as public playgrounds for bathing beaches and recreation piers. Indeed, the subject is so vast in its proportions and so far-reaching in its ultimate effect upon the life and health of our citizens and the future of our city that the really difficult task is to formulate a beginning small enough to make the scheme feasible and practicable from the start.

Your committee deems it opportune at this time to call attention to the inaccessibility of the lake shore to the population of the west side and certain of the congested districts. The Local Transportation Committee of the City Council has already undertaken to largely remedy this condition by vigorous action looking toward the extension of our street-car system to a greater number of points on the lake front where bathing beaches are now located, or may in the future be established. The establishment of bathing beaches without providing transportation facilities to enable people to reach them would indeed be futile in the accomplishment of desired results, and we feel, therefore, that the Local Transportation Committee is entitled to the enthusiastic support of the Council and the public in its efforts to correct the existing evil.

3. VARIOUS PLANS CONSIDERED.

With a view of being practical and in the hope of being able to recommend plans, the execution of which in part at least may be realized within a comparatively short time so as to give the people the use of the beaches now, when they most need them, the committee has endeavored to conduct its investigations along lines that harmonize with, and dovetail into, the various lake shore plans being perfected, or in contemplation, by the

Chicago Commercial Club, the South Park Commission, the Lincoln Park Commission, the Chicago Plan Commission and the Special Park Commission of the City of Chicago.

This committee, in its desire to have the benefit of all the light available on this subject, has examined with painstaking care the plans of the Commercial Club for the improvement of the entire water front, and the plans of the South Park Commission for the improvement of that portion of the water front lying between Grant Park and Jackson Park, and the plans of the Lincoln Park Commission for the improvement of the north shore,— all these plans being in perfect harmony. In fact, the Commercial Club plans for the whole lake front have practically included the South Park plan for the south shore and the Lincoln Park plan for the north shore, which has resulted in giving to us a general scheme so manifestly aesthetic, unique and utilitarian that it should be unhesitatingly adopted as the general substructure of any and all plans that have in contemplation the improvement of Chicago as a residential and commercial city.

In addition to the examination of the plans as above stated, the committee has had submitted to it and has examined the systems successfully adopted in New York city, Boston, Manhattan Beach, St. Paul and a number of other cities of the United States. Among all those examined the City of Boston seems to have taken the lead in progressive, up-to-date and well-equipped out-door bathing beaches and "floating baths." At its great ocean beach at Revere on a summer day, as many as 150,000 persons enjoy the bathing privilege, and at Nantasket there is a beach equally as large as the one at Revere.

In comparison with other cities, both ancient and modern, we do not believe we indulge in an exaggeration when we say that no city has ever been endowed by nature with a fairer heritage of water front than our own Chicago, and no city has ever made so little use of it.

4. OPINION OF THE CORPORATION COUNSEL.

Almost at the outset of the work on bathing beaches and recreation piers, the committee realized that no substantial

progress could be made in this matter without first ascertaining the true ownership and property rights in and to the lake front, the entire extent of which, outside of the park areas, was claimed by and in the possession of private persons and corporations. The following correspondence with the Corporation Counsel and Mayor Busse explains fully the position of the committee at that time, and its efforts to make substantial progress:

CHICAGO, August 17, 1909.

Hon. Edward J. Brundage, Corporation Counsel, City Hall, City:

DEAR MR. BRUNDAGE,—Referring to my conversation with you several days ago, I beg to request on behalf of the Council Committee on Bathing Beaches and Recreation Piers that you furnish to us an opinion covering the following several points relating to matters now pending before said committee:

1. It is proposed to establish a municipal bathing beach and recreation pier at Montrose avenue; the bathing beach to occupy the lake shore northerly from Montrose avenue along land now owned by the city, and the pier to extend out into lake from the stub end of Montrose avenue, said pier to be approximately of the same width as said avenue.

2. It is proposed to establish a municipal bathing beach and recreation pier at or near Twenty-second street, south; the bathing beach to occupy the shore southward from Twenty-second street to Twenty-fifth street, if possession of the beach can be obtained; and the pier to extend out into lake from the stub end of Twenty-second street. It is proposed to arrange at this point for a dump for the waste material resulting from excavation and like causes; this material to be anchored by proper and suitable retaining walls or piles, so as to extend Twenty-second street into the lake, thus forming a quasi peninsula, or pier, which, in time, will evolve into a resort capable of affording accommodations for boating, bathing and other pleasures for vast numbers of Chicago citizens.

3. It is proposed to arrange a similar dumping place off Fifty-first street, south, so as to create at that point a neck of land extending out into the lake to connect with Morgan Reef, the latter being a large "shallows" over which the water varies in depth from four to ten feet, and covering several hundred acres. Our plans contemplate the use of said Morgan Reef as a dumping ground until it is raised above the present surface of Lake Michigan and is converted into a beautiful island park or recreation ground.

In connection with the foregoing our committee desires to be advised

First: As to what rights, if any, the City of Chicago has to install, make and establish the aforesaid proposed bathing beaches, improvements and dumping grounds, and from what government, authority, organization, park commission or municipality (if any) permission must be first had and obtained to enable the city to carry out the improvements contemplated.

Second: As to whether under the several Acts of the General Assembly of the State of Illinois enlarging the powers of the several park com-

missions with reference to the lake front submerged lands (Act approved May 14, 1903, in force July 1, 1903, and Act approved May 2, 1907, in force July 1, 1907, and other Acts, if any) the title to be submerged lands at the points designated is vested in the several park commissions; and

Third: As to whether the lands so made by filling in, as proposed in the improvements contemplated, by the extension of street ends into and over the lake, will, when completed, belong to the several park commissions or to the City of Chicago; and

Fourth: Whether lands made by natural accretion adjacent to filled-in lands, and being part thereof, will belong to the city or to the park commissions or to the shore owner in front of whose lands such accretions are formed. This last or third alternative should be divided into (a) accretions formed in front of a shore owner, but connected with his present shore, and (b) accretions formed in front of a shore owner but separated from his present shore line by a stretch of water.

Generally speaking, the committee desires such advice, information and suggestion from your department with reference to the foregoing as will enable it to intelligently carry out the proposed plans for bathing beaches and amusement piers and at the same time fully protect and save harmless the city in reference to its legal rights in connection therewith.

In addition to the foregoing, the committee desires to be advised specially with reference to certain lands formed and being formed by accretion at Fifty-first street, south, immediately north of Fifty-first street and east of the Chicago Beach Hotel. These lands are all claimed by private parties, but if the city owns the stub end of Fifty-first street and the small park adjacent thereto, and if the accretions belong to the shore owner, then it would seem that the city would be entitled to all the accretions at Fifty-first street, south of an imaginary line extended into the lake at right angles with the general direction of the original shore line at that point; said imaginary line to start from the point where the north line of Fifty-first street bisects said original shore line. This would give the city a considerable portion of the accretions now formed and being formed at Fifty-first street, and would be of great benefit to our committee in arranging a connection at this point with Morgan Reef and the filling in thereof.

The writer offers his apologies for the length of this communication, and presents as his only excuse therefor the great importance to the public of the questions herein presented.

Yours very truly,

(Signed) THEODORE K. LONG,

For the Committee on Bathing Beaches and Amusement Piers.

September 23, 1909.

To the Honorable, The Committee on Bathing Beaches and Recreation Piers of the City Council:

GENTLEMEN,—Under date of August 17, 1909, Hon. Theodore K. Long requested the Corporation Counsel to furnish a legal opinion covering several matters then pending before your committee, which request was subsequently assigned to me for consideration, and after some weeks

of investigation and study of the various questions presented by your committee, I have the honor to advise you in the premises as follows:

1. As to jurisdiction over submerged lands.

By virtue of Section 71, Par. 10, of the Cities and Villages Act, the City of Chicago has jurisdiction upon all waters within or bordering upon the city to the extent of three miles beyond the city limits; that this Act did not grant to the city ownership of the submerged lands, is clearly shown by the case of *Bliss vs. Ward*, 198 Ill. 104, in which the court said:

“The Act of 1863, reducing the charter of the City of Chicago to one act and extending the corporate limits of the city so as to include the waters and body of Lake Michigan for a distance of one mile east of the shore, did not transfer title to the submerged lands within such extended limits to the City of Chicago.”

Of course, the court would doubtless, if the question were presented, reach the same conclusion in considering the Cities, Towns and Villages Act (the Act of 1872), which superseded the City Charter of 1863, whenever the same was repugnant thereto or inconsistent therewith.

In many of the Illinois decisions, the title of the State in all of the submerged lands under Lake Michigan lying within the boundary limitations of Illinois, has been announced and affirmed.

“The law seems to be well settled in the different States that the title to and dominion over lands covered by tide-waters within the boundaries of the several States belongs to each State wherein they are located. The State holds the fee in trust for the public. The doctrine established in regard to lands covered by tide-waters, has also been held applicable to lands bounded by fresh water on our large lakes. As early as 1860 the question arose in this State in regard to the proper construction to be placed upon a deed conveying land with Lake Michigan as a boundary line, and in disposing of this question, this court, in *Seaman v. Smith*, 24 Ill. 521, held that a grant giving the ocean or a bay as the boundary line by the common law carries it down to the ordinary high-water mark; that the point at which the tide usually ebbs and flows is the boundary of a grant to the shore, and that the rule which governed in regard to lands on tide-water applied to lands on our great lakes. . . . The State holds the title in trust in its sovereign capacity for the entire people. . . . The governmental power of the State over these lands can not be relinquished or given away. The trust imposed upon the State must be kept and faithfully observed.”

People vs. Kirk, 162 Ill. 138.

2. As to the right of the State to transfer title in submerged lands.

Only in the subservience of public interests, as distinguished from private interests, can the alienation of submerged land in Lake Michigan be justified.

During the past twenty years numerous instances have arisen in which the State of Illinois, by its Legislature, has vested portions of the submerged land in various municipalities, and since a consideration of these transfers is necessary to a proper understanding of the questions presented, it is pertinent to briefly mention some of the most important legislative enactments on this subject.

A. In 1889 the General Assembly authorized the Lincoln Park Board to extend a driveway over and upon the waters of Lake Michigan so long as the same did not interfere with navigation, commerce or the right of fishery. This Act also permitted the board to sell and convey the submerged land lying between the shore and the westerly boundary of the proposed driveway.

Our Supreme Court, in the case of *People v. Kirk* (*supra*), sustained the validity of the Act, and asserted that in transferring the submerged land within the limitations named in the Act, the Legislature had not transcended the trust imposed upon it by law.

B. Under the provisions of an Act passed by the Legislature, in force July 1, 1895, the Lincoln Park Commissioners were granted title to the submerged land from the Chicago river to the northern boundary of the Town of Lake View, upon the adoption of a plan for the enlargement of Lincoln Park and the location of a driveway over and upon the body of Lake Michigan. The Act also provided for a method of acquiring the riparian rights of the various shore owners. Subsequent to the passage of this Act, the Lincoln Park Commissioners have, from time to time, adopted plans for the construction of the boulevard or driveway from point to point along the north shore and have had the boundary line fixed by them, affirmed by a decree of the Circuit Court in conformity with the requirements of the Act.

Attached hereto and marked "Exhibit A" is a letter from Mr. Charles A. Churan, attorney for the Lincoln Park Commissioners, setting out in detail the progress of the Lincoln Park Commissioners in this matter to date; also a plat (Marked "Exhibit B") which shows the proposed extensions and work under construction in the Lincoln Park district.

Regardless of the fact that the Lincoln Park Commissioners had proceeded under the authority of the last mentioned Act, and had adopted a plan for the occupation and improvement of the submerged lands lying between the north line of Grace street extended to the northern limits of the Town of Lake View, Charles U. Gordon attempted to construct a pier upon the submerged lands along the shore of Lake Michigan adjacent to Lot 13 of Simmons & Gordon's Addition to Chicago. The Supreme Court, in the case of *Gordon vs. Winston*, 181 Ill., 338, in affirming the judgment of the Circuit Court enjoining the construction of the pier, held that the Park Board had a right to appropriate the submerged lands extending out to the line of navigation, and had the right to enjoin any acts on the part of Gordon which tended to encroach upon the public domain and gradually appropriate such property for his own use.

C. In the year 1899 the State granted to the City of Chicago the land under the waters of the lake opposite Thirty-ninth street for the purpose of building and forever maintaining thereon a pumping station together with the necessary intakes for water with protecting piers therefor. (See *Hurd's Revised Statutes*, 1908, page 457.)

D. By virtue of an Act in force July 1, 1903, the South Park Commissioners were authorized to extend parks, boulevards or driveways bordering upon any public waters in this State, over and upon the bed of such public waters, provided that such extension should not interfere with the practical navigation of such public waters for the purpose of commerce, without due authority from the proper official of the United States Government having control thereof. The South Park Commis-

sioners were also given the right to connect parks within their jurisdiction by constructing a boulevard, driveway or parkway over and upon the bed of such public waters and over and upon any lands penetrating such waters.

Provision was made in this Act for the acquisition of riparian rights, compensation to be made out of the *general revenue*.

E. Subsequent to the passage of the last mentioned Act, the commissioners discovered that its provisions were incomplete, and that a different method of payment for the riparian rights should be made; whereupon, during the summer of 1907, a new bill was presented to the Legislature which became a law on July 1, 1907.

As in the Act of 1903, the statute of 1907 transfers title to the submerged land from Twelfth street to the north line of Jackson Park, when the Park Commissioners shall have acquired the riparian rights of the owners of any lands along the shore adjoining such submerged lands and shall have agreed upon a dividing line, which dividing line is established or affirmed by the decree of the Circuit Court.

It is to be noted that the acts granting the submerged lands along the north shore and the acts granting the submerged lands along the south shore to the various park commissioners differ materially in one respect, namely, the Lincoln Park Commissioners acquire title upon the adoption of a plan for the extension; whereas, the South Park Commissioners acquire no title until the riparian rights have been secured.

My conclusion on this subject is concurred in by Mr. R. P. Hollett, who was attorney for the South Park Commissioners at the time the Act of 1907 was introduced in the Legislature, as well as by Mr. John G. Drennan, who assisted in the drafting of the bill.

In passing, it might be mentioned that during the last session of the General Assembly a bill was introduced and passed the Senate which granted the Chicago Exposition and Recreation Pier Company the right, power and authority to construct, maintain and operate a recreation pier upon the submerged lands in the waters of Lake Michigan extending easterly perpendicularly to the general trend of the shore of the lake to Thirty-first street with proper and necessary approaches. The persons interested in this bill, evidently also assumed that the South Park Commissioners had at the time of the introduction of the bill acquired no interest in the submerged land at this point.

My information is that the South Park Commissioners dropped the matter of extending a boulevard over the bed of the lake connecting Grant and Jackson Parks at the time when His Honor, Mayor Busse, appointed the Special Harbor Commission, since the park authorities had no desire to proceed with any scheme which would conflict with the plans of the city in the matter of the improvement of the lake front.

F. In 1903, the Legislature also granted and conveyed to the South Park Commissioners the submerged and artificially made land lying within the "south boundary line of Jackson Park and the south line of Seventy-ninth street, as extended one thousand feet into Lake Michigan, and the line easterly of and parallel with the shore line of said lake" (and the shore line of said lake), and also within the "north line of Ninety-fifth street extended to its intersection with the boundary line of Indiana and Illinois, as extended, and the shore line of Lake Michigan."

3. RIGHTS OF RIPARIAN OWNERS.

The Illinois courts have taken a severe stand in protecting the position of the State in the submerged land under the waters of Lake Michigan. The decisions bearing upon the rights of the shore owners are so clear and unequivocal that there can be no dispute as to the following propositions:

(a) The riparian owner has the right only to natural accretions and to access to the water in front of his property.

(b) The riparian owner may erect structures on his own land to protect it from erosion if they do not interfere with navigation, but he has no right to build piers or other structures upon the submerged land to accomplish that purpose unless authorized by the State. (Revell vs. People of the State of Illinois, 177 Ill. 468.)

Revell, in this case, attempted to build a pier parallel with the shore line, but beyond the water's edge. This the court held was an unlawful and unwarranted act.

(c) The riparian owner has no right to construct a pier out into the lake unless he owns the submerged land, or has permission from one having title thereto. (Cobb vs. Commrs. Lincoln Park, 202 Ill. 427.)

(d) Neither a riparian owner nor any other person can by filling in without permission obtain title to made land where the title to soil upon which the filling was done was in the State.

Farnham on Water Rights, Vol. 1, p. 339.

Diedrich v. Northwestern Union R. Co., 42 Wis. 248.

4. AS TO PROPOSED MONTROSE AVENUE BATHING BEACH.

On the thirteenth day of February, 1906, the commissioners of Lincoln Park, by resolution, adopted a plan showing lines running along the shore of Lake Michigan from the north line of Sheridan Road (Byron street), extended, to the north line of Montrose avenue, extended, said line having been agreed upon as dividing or boundary line between the streets named above and the land acquired by the Commissioners of Lincoln Park under the aforesaid Act of 1895.

The commissioners of Lincoln Park, by resolution, passed on the thirteenth day of January, 1909, duly resolved that it was the intention of the commissioners of Lincoln Park in establishing said line to dedicate to the public as public streets Montrose avenue, Marquette terrace, Kenesaw terrace, Buena avenue, Gordon terrace, Bittersweet place and Irving Park avenue, as extended eastward to said permanent boundary line.

The City of Chicago by ordinance duly passed on March 8, 1909, Council Proceedings, page 3172, accepted the aforesaid dedication.

Thus, there can be no controversy between the city and the Lincoln Park Commissioners as to the eastern boundary line of Montrose avenue. The city also owns the lot lying north of Montrose avenue (including the shore front and riparian rights) upon which is located the Lake View Pumping Station. This lot is 230 feet in width along the shore and the street is sixty-six feet in width.

The method of procedure which should be adopted prior to extending the pier into the lake at this point, will be considered below.

5. AS TO THE TWENTY-SECOND STREET BEACH AND PIERS.

I am credibly informed that the Illinois Central Railroad Company has acquired all the riparian rights north of Fiftieth street and south of Twelfth street, excepting that portion of the lake shore which lies between the center line of Twenty-second street and a line produced into the lake from a point 160 feet south of Twenty-fifth street, which last-mentioned piece of land is part of the subject-matter of the committee's inquiry.

On July 27, 1852, the Illinois Central Railroad Company acquired from Stephen A. Douglas the property upon which is now located its right of way along the lake shore between the last-mentioned points, the deed expressly reserving in Douglas all title, right and ownership to land and water between the eastern line of said railroad and the center of Lake Michigan and bounded by due east lines drawn from the north and south ends of said tracts of land. A copy of this deed is hereto attached and marked "Exhibit C."

Mary Morris Walker succeeded to all the interests of the late Stephen A. Douglas, and her heirs now claim to be the owners of this tract of land, a plat of which is hereto attached and marked "Exhibit D." The plat shows 2,240 feet of frontage of this piece of property. Inasmuch as the boundary of Twenty-second street is the west line of the right of way of the Illinois Central Railroad, the city could not contend it had any riparian rights in the submerged land easterly of the said company's right of way at this point, since contact with the water is necessary to the establishment of riparian rights.

On the question of method of procedure for the construction of a pier and filling in at this location, see below under heading "Procedure."

6. AS TO THE SITUATION AT FIFTY-FIRST STREET.

The records of the Old Town of Hyde Park disclose that during the year 1871 a sewer was constructed extending into the lake at Fifty-first street, and a contract was awarded for the erection of a pier for the protection of the sewer.

This pier, I learned from witnesses — old residents of the vicinity — was from time to time extended eastward along the north line of Fifty-first street. The reports as to who extended the pier, running east and west into the lake, do not all agree. It is claimed by some that the Village of Hyde Park extended the pier, others assert that one James Morgan produced the result.

The records of the Map Department, as well as the reports of the old residents of the vicinity, do, however, coincide as to the location of the shore line of Lake Michigan at this point during the last thirty-five years. The plat hereto attached, marked "Exhibit E," shows the shore line in 1875 to have intersected Hyde Park boulevard (Fifty-first street) at a point about fifteen feet east of the east line of East End avenue.

Old residents remember when the waters at this point washed up on East End avenue and partially covered the northerly two hundred feet thereof. The present shore line at Fifty-first street is about 380 feet east of the east line of East End avenue, as shown on the two plats hereto attached and marked "Exhibit F" and "Exhibit G," respectively. Practically all of the land which lies north of Fifty-first street and east

of a pier running north and south extending from the east and west pier above referred to has been made within the last twenty-five years.

In 1882 the aforesaid James Morgan constructed this north and south pier, which, taken in connection with the east and west pier, forms an L-shape projection into the lake. Upon the construction of the north and south pier, the waves and wind from the north carried in vast quantities of sand which were deposited north of Fifty-first street; that Morgan himself made the greater part of this land can not be successfully denied. It is said that he would permit no fishermen, excepting those in his employ, to fish off the pier, nor would he allow any boat to land or tie up at this pier. Shortly after the construction of the pier, Morgan erected thereon a dredge and scooped the sand from the bottom of the lake outside the pier, and carrying it over the pier deposited it in the inside shallow water until, when his work was completed, the land extended out into the lake north from the east and west pier a distance of about 320 feet, as shown on the plat submitted. The excess sand he is said to have sold, the revenue therefrom amounting to as much as \$100 a day, according to the reports of those familiar with the facts.

Under the law, this land which was made by filling in, as well as the land which was produced by the action of the waves in beating up against the L-shaped projection, could not become the property of James Morgan. What natural accretions were produced by the natural action of the wind and waves have been so commingled with the artificial accretions and made land as to become a part thereof, and, under the decisions above cited, the State of Illinois, undoubtedly, has become vested with all the land beyond the limitations of the boundaries defining Morgan's possession along Fifty-first street on the north side of Fifty-first street east of the west line of East End avenue extended.

7. AS TO THE RECLAMATION OF SUBMERGED LAND KNOWN AS "MORGAN'S REEF."

If the city were granted permission to fill in the lake from the shoal waters opposite Fifty-first street, the title to such land would be vested in the city and the shore owner would have no claim or right thereto.

"An island arising in navigable water and afterward becoming joined to one shore belongs to the State and not to the owner of the shore, and the shore owner will have title only to such portion of the new land as was formed by accretions to his shore."

Farnham, Vol. 1, p. 276.

"If the process is such that an island first arises from the water and afterward becomes connected to the land by the addition of accretions to it, the title to the island will not vest in the riparian owner."

Farnham, Vol. 1, p. 323.

"Impenetrable accumulation of soil upon the shores of an island in the great lakes whereby it is enlarged belongs to the owner, but if the island first arises from the water and afterward becomes connected to that of the private proprietor it would not belong to him, but to the State."

People vs. Warner, 116 Mich. 228.

"To entitle the riparian owner to the land, the water must begin to recede from his land. It is not sufficient if the recession begins at some other point and finally reaches his land."

Farnham, Vol. 1, p. 322.

The title of the shore owner is not established where it appears that as the waters receded they at first left islands separated from the land of the shore owner and from each other by squales or depressions in which the water remained for some time before the whole tract became dry."

Hammond vs. Sheppard, 186 Ill. 235.

The riparian owner acquires only the natural accretions which are adjacent to and in contact with his shore boundary.

8. POWER OF THE CITY TO ESTABLISH BATHING BEACHES.

Section 6 of the Act of May 18, 1905, relating to the City of Chicago, empowers the city to acquire, by purchase or otherwise, municipal parks, playgrounds, public beaches and bathing places and improve, equip, maintain and regulate the same.

Section 7 of said Act authorizes the city to exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the Constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes, and the procedure in such cases, the statutes provide, shall be, as nearly as may be, like that provided for in the Act entitled "An Act Concerning Local Improvements," approved June 4, 1897, in force July 1, 1897, as now or hereafter from time to time amended.

It can not be successfully maintained but that the city if it secures permission from the proper authorities has the power to proceed with the establishment of bathing beaches and recreation piers as necessary adjuncts thereto.

PROCEDURE.

A

Inasmuch as the Lincoln Park Commissioners unquestionably have title to the submerged land along the north shore from Byron street (now Sheridan Road), extended, to the north line of Montrose avenue, extended, their consent should be first had and obtained before any improvement is made at this point. In my opinion, legislative enactment in favor of the city would not be necessary for the construction of this pier.

B.

No work should be done by the city at Twenty-second street without permission (1) from the Government; (2) from the heirs of Mary Morris Walker; (3) from the South Park Commissioners; and (4) from the State of Illinois.

Notwithstanding what has been heretofore stated, I believe that the various park authorities should be consulted and their coöperation and permission secured, as a condition precedent to the construction of any pier in or over the submerged land.

C.

The City of Chicago should render all possible assistance to the State of Illinois in securing for the State possession of the made land, heretofore mentioned, north of Fifty-first street, and upon the State maintaining its title therein, permission of the Legislature, as well as of the South Park authorities, should be obtained before any construction work or filling in is commenced at this point.

D.

Upon an understanding with the South Park Commissioners, a bill should be introduced in the Legislature by force of which the city would be authorized to fill in the shallows opposite Fifty-first street for park and recreation and bathing-beach purposes.

This land, when filled in, as well as the land proposed to be made by dumping at Twenty-second street, will, in the event permission is secured from the proper authorities for the doing of the contemplated work, unquestionably become the property of the City of Chicago.

But before any improvements in the nature of piers, the making of islands in the lake, or other obstructions are commenced, authority from the Secretary of War should be secured. Permission from the War Department for the construction of piers does not override the rights of the State in the submerged land, but, however, amounts to a declaration by the Government that the proposed structure will not interfere with navigation. (*Cobb vs. Commrs. Lincoln Park, supra.*)

SUGGESTIONS.

I take the liberty of adding to this communication that the committee might well coöperate with the Special Park Commission in urging the next session of the General Assembly to authorize the City of Chicago to construct a pier at Seventy-ninth street, and to reclaim the large tract of submerged land, which, when reclaimed, will be an imposing addition, in the way of a park, to the present small bathing beach located just south of Seventy-ninth street.

I note, by the daily papers, that Alderman Jones proposes that the city should purchase the lake frontage from the south line of the South Shore Country Club property to Seventy-ninth street and should hold the same for bathing-beach purposes.

In this connection, I desire to call the attention of the committee to the aforementioned Act of 1903, turning over all the submerged land between the aforesaid points to the South Park Commissioners. This board should be consulted before the city proceeds with this project.

The writer would be glad to attend the meeting of your committee and explain in detail any portion of this communication which may need elucidation or elaboration.

Respectfully submitted,

HOWARD W. HAYES,
Assistant Corporation Counsel.

Approved :

EDWARD J. BRUNDAGE,
Corporation Counsel.

October 1, 1909.

Mr. Howard W. Hayes, Assistant Corporation Counsel, through Hon. Edward J. Brundage, Corporation Counsel:

DEAR SIR,—On behalf of the Committee on Bathing Beaches and Amusement Piers, I beg to acknowledge the receipt of your opinion dated September 25, 1909, forwarded in response to my letter of August 17.

It is, perhaps, not out of place for me to say at this time that our committee desires to express its appreciation and commendation of the vast amount of care, investigation and painstaking detail shown in the preparation of the opinion forwarded to us.

Referring to subdivision 8 of said opinion entitled "Power of the City to Establish Bathing Beaches," you say:

"Section 6 of the Act of May 18, 1905, relating to the City of Chicago empowers the city to acquire by purchase or otherwise, municipal parks, playgrounds, public beaches and bathing places, and improve, equip, maintain and regulate the same.

"Section 7 of said Act authorizes the city to exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the Constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes, and the procedure in such cases, the statutes provide, shall be, as nearly as may be, like that provided for in the Act entitled, 'An Act Concerning Local Improvements,' approved June 4, 1897, in force July 1, 1897, as now or hereafter from time to time amended."

The foregoing quotation becomes of special importance to our committee when considered in connection with the possible procedure on the part of the city to acquire by condemnation the riparian rights over such submerged lands as may be acquired from the State for bathing beaches and amusement piers.

The South Park Board not having acquired title to submerged lands under the Acts of 1903 and 1907, it would greatly simplify the procedure of our committee if, upon the acquisition of the title to submerged lands, the city could, by its right of eminent domain, or otherwise, condemn the riparian rights of adjacent owners in the submerged lands so acquired.

Our committee would therefore be pleased to have you advise it further and more in detail with reference to the powers of the city to condemn riparian rights in submerged lands, the title of which lands may be acquired by legislative grant or transfer, from the State to the city.

Yours very truly,

THEODORE K. LONG,

For the Committee on Bathing Beaches and Amusement Piers.

In re POWERS CONFERRED UPON THE CITY BY SECTIONS 6 AND 7 OF AN ACT RELATING TO THE CITY OF CHICAGO.

October 30, 1909.

Hon. Theodore K. Long, Committee on Bathing Beaches and Recreation Piers:

DEAR SIR,—The Corporation Counsel has directed me to reply to your communication of October 1, 1909, in which you request an opinion upon the power of the city "to acquire by condemnation the riparian

rights over submerged land." I note, particularly, that you desire to be advised with reference to the extent of the authority granted to the City of Chicago by virtue of sections 6 and 7 of an Act of the Legislature of May 18, 1905, relating to the City of Chicago.

You will recall that by virtue of Section 6 of said Act the city is empowered "to acquire by purchase or otherwise, municipal parks, playgrounds, bathing beaches and bathing places" and "improve, equip, maintain and regulate the same"; and that by Section 7 of said Act the city is authorized "to exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the Constitution and the statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes," the procedure to be "as nearly as may be like that provided in the Act entitled 'An Act Concerning Local Improvements,'" etc.

Prior to the enactment of the aforesaid statute the City of Chicago could not acquire property for the purposes aforesaid by private purchase, inasmuch as, according to the opinion of the Supreme Court, in the case of *Snydacker v. Village of West Hammond*, 225 Ill. 154, such procedure "would lead to favoritism, corruption, private bargain and the exercise of improper influence."

The methods prescribed by statute for the acquisition of real estate by a municipality, namely, by prescription, dedication and condemnation, are generally exclusive methods, hence the authority vested in the city by virtue of the provisions of Section 6 is of material advantage in the plan which your committee has under consideration.

Section 7 of the aforesaid act can be of little or no significance in determining the course to be adopted for the acquiring of bathing-beach sites, for when analyzed and considered, the Legislature has merely permitted the city to exercise the right of eminent domain only where property is acquired which is "useful, advantageous or desirable for municipal purposes" where the purpose itself when carried out would be a *local improvement*. A local improvement within the meaning of the statute is a public improvement which by reason of its being confined to a locality, *enhances the value of adjacent property* as distinguished from the benefits diffused by it throughout the municipality.

I can find no reported case in which it has been held that the establishment of a bathing beach is considered a local improvement.

I have discussed the question herein involved at length with Mr. George A. Mason, attorney for the Board of Local Improvements, and he concurs with me in the view that I have taken, namely, that Section 7 above referred to confers no advantage upon your committee in its proposed plan. I must, therefore, advise your committee that, even though the city should acquire the title to the submerged land under the waters of Lake Michigan, the only procedure by which it is empowered to secure either the riparian rights or the real estate of the shore owners is by dedication or other form of donation, lease or other form of contract.

Respectfully submitted,

HOWARD W. HAYES,
Assistant Corporation Counsel.

Approved:

EDWARD J. BRUNDAGE,
Corporation Counsel.

5. COMMUNICATION WITH MAYOR BUSSE.

September 25, 1909.

Hon. Fred A. Busse, Mayor of Chicago:

DEAR SIR,—Referring to a recent conversation had with you concerning certain conditions which pertain relative to sundry submerged lands and "made" lands along the lake shore between the mouth of the Chicago river and Seventy-ninth street, the writer begs to invite your attention to the following:

You, of course, are advised of the somewhat unsettled condition of the ownership of the lake frontage caused by extensive filling in from time to time of the submerged lands. Large areas of these submerged lands have been filled in and are now in process of being filled in and are taken possession of by private parties without authority of law, as the writer believes, and day by day, week by week, and month by month, these aggressive private interests advance further and further into and over the waters of the lake, appropriating to their own uses the common heritage of the people, the most valuable, attractive and artistic lake water frontage ever possessed by a free city.

Between Grant Park and Twenty-second street, between Forty-seventh street and Fifty-first street and between Fifty-third street and Jackson Park this process of the extension of private dominion over the natural recreation beaches and playgrounds of the city goes steadily, rapidly and persistently forward. These aggressive private interests never slumber; their paid agents and attorneys are ever on the alert to extend their jurisdiction lakeward, while in the meantime the public, inactive and slothful, its representatives ever changing by the change in political administration, sleeps on its rights and the people's heritage pays the penalty.

In connection with the work of the Special Committee on Bathing Beaches and Amusement Piers, the writer's attention was first directed to this subject, and as a member of such committee, and with the consent and approval of the chairman thereof, the writer with a view of bringing some order, if possible, out of the general chaos that seemed to pertain relative to the lake front, addressed a letter of inquiry to the Corporation Counsel, a copy of which letter, together with the reply thereto, is hereto appended.

While from the aforesaid opinion of the Corporation Counsel it would seem that title to the submerged lands is clearly vested in the State or in the State's grantee, yet by reason of the existing riparian rights in the adjacent owners, and sundry claims asserted over lands formed by accretion or otherwise, the exact legal dividing line between the private owner, the State, the City of Chicago and the South Park Board is, to say the least, sufficiently obscure to warrant an effort on the part of the city and the various parties in interest to get together and to make a proper, final and definite adjustment of the matter.

As a question of practical utility it is probably not material to the people as a whole whether the legal title vests in the State, the Park Board or the City of Chicago, so long as the title so vested is held in trust for all the people, and so long as the party so holding title will see to it that the lake front is not alienated, or encroached upon for private uses.

The lake front submerged lands should not be sold, bartered or given away at any price. No sum imaginable can compensate the people for the loss of these lands as their natural playgrounds and bathing beaches, and the aggressive private interests which have from time to time asserted dominion over them must be removed therefrom.

While it would seem from the aforesaid opinion of the Corporation Counsel that the South Park Board has the right under the Acts of 1903 and 1907 to acquire title to and possession of the submerged lands between Grant Park and Jackson Park, nothing has as yet been done by said park board toward acquiring such title; so that it is entirely proper for the city, as representing the whole people, to take the initiative and either acquire title by condemnation proceedings or otherwise, or inspire the South Park Board to a keener conception of its opportunities in this behalf.

With a view of inspiring some action toward the adjustment of these matters, the writer on July 30 last suggested to the chairman of the South Park Board the appointment of a joint high commission composed of representatives from the South Park Board, the City Council and sundry others in interest, to confer with commissioners to be appointed by the Illinois Central Railway Company and others making claim to the lake frontage, in the hope that such commissioners might find a way to compel the early settlement of the disputed interests involved. Nothing, however, practical resulted from the foregoing suggestion.

It is extremely important that this whole matter of lake frontage be settled at the earliest date feasible, for the reason that it appears from authentic sources that the natural filling in of the lake frontage resulting from the dumping of garbage and excavation material amounts, approximately, to twenty acres per annum. It is apparent that this very valuable acquisition of made land should not inure to the benefit of private parties, but should be converted into park areas, bathing beaches and pleasure grounds for the people of Chicago and the State of Illinois. This can only be done by working in conformity with an intelligent and orderly plan based upon a fixed ownership of the lake shore frontage; and the first special requisite therefor, as preliminary to any plan, is the settlement and adjustment of the ownership of the lake shore.

In pursuance, therefore, of the cordial interest expressed by Your Honor to the writer on this subject and your hearty willingness to urge a final adjustment thereof, I beg to lay the whole matter before you for such action or recommendation as you may deem expedient and wise in the premises.

Very respectfully yours,

THEODORE K. LONG.

MAYOR'S OFFICE.

CHICAGO, September 27, 1909.

To the Honorable, the City Council:

GENTLEMEN,—I herewith transmit to your Honorable Body a communication from Hon. Theodore K. Long, which concerns submerged and "made" lands along the lake shore between the mouth of the Chicago river and Seventy-ninth street, together with an opinion of the Corporation Counsel addressed to the Committee on Bathing Beaches and

Recreation Piers, which bears on the aforesaid subject, also a letter of Alderman Long addressed to the Corporation Counsel, requesting the submission of the opinion.

Inasmuch as it appears, both from the opinion of the Corporation Counsel as well as from the communication of Alderman Long, that there are many unlawful encroachments along the shores of Lake Michigan south of Twelfth street, one conclusion necessarily follows: Someone should proceed with all possible diligence to obtain for the people both title and undisputed possession to the land which belongs to them.

Diversity of jurisdiction should not stand in the way of speedy action. The State of Illinois, the South Park Commissioners and the City of Chicago should unite in preserving for the people their common interest.

Since I do not believe that formalities should retard any movement which inures to the public benefit, I respectfully request that you authorize the Mayor to invite a conference consisting of representatives of the State of Illinois, of the South Park Board, the Lincoln Park Board, the Sanitary District and of the City of Chicago, who shall assemble for the purpose of considering the best method of procedure for the reclamation of the lands in which each representative is, in a measure interested, and which have been appropriated by others. Such a conference should be authorized to consider the advisability of a settlement and adjustment of the claims made by riparian owners along the lake shore between the points aforesaid.

That a conference of this character can materially assist the City of Chicago in its plan for the establishment of bathing beaches and recreation piers can not be denied, and it is with the hope that the sympathy of the aforesaid authorities is with Chicago in this movement that I submit the foregoing proposition to your Honorable Body.

Respectfully,

FRED A. BUSSE,
Mayor.

6. LEGAL PROCEEDINGS AGAINST TRESPASSING SHORE OWNERS.

In pursuance of the foregoing, the City Council on September 27, 1909 (See Council Proceedings, p. 1157), authorized the Mayor to invite representatives to a conference, as suggested in his communication. After repeated, unavailing efforts to effectuate results in this manner, it was concluded that more substantial progress could be made by the commencement of legal proceedings against trespassing shore owners than in any other way, and as the Committee on Bathing Beaches and Recreation Piers had no power to proceed at law, the following resolution was prepared and presented to the City Council by Theodore K. Long, January 25, 1910, and was unanimously adopted.

WHEREAS, Sundry private interests and corporations claim ownership to large portions of the shore of Lake Michigan, between Indiana State line on the south and Devon avenue on the north; and

WHEREAS, The said lake shore should be forever held by the City of Chicago or by the several park boards within said city, in trust for all the people, for recreation and park purposes;

Resolved, That the Mayor be and he is hereby authorized to appoint a commission of three, to be known as the "Lake Shore Reclamation Commission," whose duty it shall be to make such investigations and institute and carry on such proceedings at law and in equity as in the judgment of said commission may be deemed necessary or advisable to procure title and possession to said lake shore for the said city or park boards, and especially to that portion thereof lying between Jackson Park and Grant Park, and to report its proceedings to this Council. (Page 2786 C. P. 1909-10.)

In accordance with the foregoing resolution, the Mayor appointed as said commission, Theodore K. Long, Chairman, E. J. Brundage and Dr. W. A. Evans.

The above commission, immediately after its appointment, set to work to procure the necessary data upon which to base legal action, and after an extended preliminary investigation and repeated conferences held between the representatives of the Lake Shore Reclamation Commission, the office of the Attorney-General and the office of the State's Attorney of Cook Cook county, suit was commenced April 2, 1910, in the Superior Court of Cook County, in the name of the State of Illinois, to recover for the use of the public the made lands at Fifty-first street and the lake, east of the Beach Hotel. And later, May 19, 1910, six additional suits were commenced in the same court, the purpose of these suits being to recover, for the use of the public, all that portion of the shore of Lake Michigan between Grant Park, on the north, and Jackson Park, on the south.

7. TENTATIVE SCHEME FOR BATHING BEACHES.

Pending the efforts of the Lake Shore Reclamation Commission, the Committee on Bathing Beaches and Recreation Piers did not relax in its efforts to formulate plans for bathing beaches, and with a view of working in harmony with the Chicago Commercial Club plan, numerous conferences were held with different members of the plan commission.

As early as July 21, 1909, a conference was had with Mr. Daniel H. Burnham and Mr. Joy Morton, at which it was agreed

to develop the bathing-beach proposition, in so far as practicable, along lines that would harmonize with all other work contemplated along the lake shore, and with this purpose in view the Committee on Bathing Beaches and Recreation Piers was courteously accorded the assistance of the efficient corps of experts of the Commercial Club, under the direction of Mr. Edward H. Bennett, to whom the commission is greatly indebted for the interest shown in the preparation of detail plans and drawings.

Early in the month of August, 1909, the committee adopted the following tentative scheme for bathing beaches:

1. MONTROSE AVENUE.—The city has, at Montrose avenue, a lot fronting on the beach of 50 feet immediately adjacent to the avenue, which, with the butt end of Montrose avenue, makes the city frontage — feet. The city should acquire at this point by purchase about four hundred feet additional adjoining the city's lot on the north so as to give a bathing beach frontage of — feet.

This is an ideal place for the construction of a recreation pier. The pier should be constructed so as to carry out Montrose avenue into the lake a distance of about one thousand feet. This pier would serve also the purpose of a breakwater and protection to the beach.

2. DIVERSEY BOULEVARD.—The Lincoln Park Board has a beach frontage of approximately twelve hundred feet, extending from the south side of Diversey boulevard, as extended east, south to the Daily News Sanitarium. This is one of the most accessible and most desirable beaches on the north side and will accommodate a large number of persons. All the committee can do is to urge the Lincoln Park Board to push its improvements as rapidly as possible.

3. OHIO STREET.—The city should acquire, somewhere in the vicinity, a beach for bathing purposes sufficient to accommodate the thickly settled district immediately west and adjacent thereto. This beach should be fitted up in an inexpensive manner with stationery bath-houses, and, probably, with a "floating bath."

4. TWENTY-FIFTH STREET.—The city maintains, at this point, a small bathing beach under the Special Park Commission. This beach should be enlarged and extended in a northerly direction to Twenty-second street so as to accommodate larger numbers from the congested districts on the south side. The frontage here should be obtained either by the city direct or through the South Park Commission.

At this point, and immediately off Twenty-second street, the city should make a start to provide for the filling in for the construction of the great recreation pier located here by the plan of the Chicago Commercial Club. This seems to be an ideal location for a pier of this character and will become, when completed, in all probability, the most popular resort on the lake front.

5. THIRTY-NINTH STREET.—At this point the City has a pumping station and we are advised that it is permitted under the law to fill in and make land adjacent to the land occupied by its pumping station.

This is a very accessible point for the large population of the south side and should be connected by a tunnel under the Illinois Central tracks with the small park which the City has on the west side of the tracks.

6. FIFTY-FIRST STREET — MORGAN REEF.— The committee believes that action should be taken to provide for filling in Morgan Reef with a view of providing a place for the economical deposit of Chicago's waste excavation material, and, at the same time, converting such material into an island to be used for park purposes.

7. JACKSON PARK.— Next to the Lincoln Park site, referred to above, the most ideal location for a bathing beach along the lake shore is in Jackson Park immediately north of the inlet to the yacht harbor north of the old Convent LaRabida.

The committee has been unofficially informed that the South Park Commissioners have in preparation elaborate plans for the construction of an extensive bathing beach at this point, with a recreation pier extending far out into the lake.

8. SEVENTY-NINTH STREET.— At this point the City has a small park and bathing beach with a fairly well equipped bathhouse. Provision should be made to procure about four hundred feet more of the beach, immediately north of the city's holdings, so as to enlarge the capacity of this beach.

9. CHICAGO RIVER.— The committee has under consideration the selection of a suitable site somewhere on the Chicago river, in the most congested district, for the location of a "floating bath."

8. REPORT AND ESTIMATES OF CITY ENGINEER.

With a view of ascertaining the cost of starting the proposed work at Montrose avenue on the north side, and Twenty-second street and Morgan Reef on the south side, the City Engineer was called upon to prepare designs and estimates, which were furnished to said committee December 2, 1909, as follows:

December 2, 1909.

Hon. Winfield P. Dunn and Hon. Theodore K. Long, Committee on Bathing Beaches and Recreation Piers:

GENTLEMEN,— Complying with your request, I have made some designs and estimates of costs for recreation piers and bathing beaches at Montrose boulevard and at Twenty-second street and also plans for a proposed island at the so-called Morgan Shoal opposite Forty-eighth street, and beg to submit same herewith for your consideration.

MONTROSE BOULEVARD.

The construction at Montrose boulevard has been estimated at \$22,000 for a pier five hundred feet long with a total length of dock line for landing purposes 330 lineal feet. The pier is to be 66 feet wide at an elevation of 10 feet above Chicago datum, with a concrete parapet and walk on the north side and concrete sidewalk on the south side.

It has been assumed that the pier can be built in the following manner: For the first 150 feet out from the shore, to a depth of water less than three feet below datum, a wave breaker is built by filling in between two rows of sheet piling, about eight feet apart and four feet high, along a line somewhat to the north of the center line of pier. The sheet piling is short and can be driven by hand. The filling in should then start on the north side of wave breaker, and some of the material will be washed over and fill in on the south side, and when sufficient fill is dumped on the north side the south side should also be filled in. Then, or somewhat earlier, the piles for the next 175 feet should be driven in line with the sheet pile construction, out to a depth of water about six feet below datum, with a fifty-foot cross-row plumb to the first mentioned row to the north. The piles are to be driven in two rows, $2\frac{1}{2}$ feet center to center, piles in each row to be 18 inches center to center, leaving about 8 inches clear opening; piles in other row covering this opening about twenty inches away. The fill should then be continued on the north side of this wave breaker, and the waves will carry a good deal of same to the south side. The fillings should be done for the full width at once, as a long narrow ridge would be more exposed to the action of the waves. If it be found that two much fill is shifted to the south side, the piles can be boarded up as the work progresses when sufficient material has been deposited on the south side as backing for same. If real large waves should occur during construction some repairs will, of course, have to be made.

The outer 175 feet of pier, to a depth of water about ten feet below datum, should be constructed similarly with cross-row forty feet from end, except that a regular dock line will have to be built after sufficient fill has been dumped to steady the wave-breaking piles to make them act as anchor piles for the dock line south and east of same. The piles for the dock line can be driven at an earlier date to help in retaining the fill, but the sheet piling should preferably be put in later, so as to produce a neat dock line.

The pier is designed perpendicular to the general shore line, and it is assumed that the lake will fill in the beach to a shallower basin in time, but it may be necessary to pave the outer part of the north side of the beach for some distance, not included in the main estimate of \$19,000.

A second row of piles for wave break could be driven, located under the future parapet in the outer part of pier, if it is found that the first row does not protect the filling well enough. Three thousand dollars ought to cover this, as well as paving and extra filling. This amount is included in the estimate as contingencies.

TWENTY-SECOND STREET.

The pier has been designed as a direct prolongation of Twenty-second street, sixty-six feet wide, with an increase of one hundred feet at lake end, and seven hundred feet extreme length, with a subway under the Illinois Central Railroad tracks for pedestrians. There will be at least four hundred feet of landing space for steamers for a long time to come.

The pier falls within the lines of the City Beautiful Plan and is constructed in the same manner as the Illinois Central Railroad dock on the north side of the pier, as well as outer end and return. This construction

consists of piles driven closely in two rows about ten to fifteen feet apart and with one walling timber in the shallower parts and two in the deeper along each line, the rows being cross-connected with rods and the space between filled with rip-rap stone. When the fill is in place up to a few feet above water, the upper part of this breakwater is cut off and a solid timber crib put on from about the water level, made out of 12 by 12 inch timbers with 12 by 12 inch cross timbers drift bolted together and filled with stone. The filling is then continued to an elevation ten feet above datum. The top of this crib should be planked over and railing put on, so that it can be used for a walk. A concrete walk is also included in the estimate. The fill for the greater part of the beach must be sand brought there by scows or by Illinois Central Railroad. Part of the total fill can be dumped direct from scows, but a big part of same must be rehandled. Such material as is delivered by the Illinois Central Railroad can be dumped direct, and the subway can be used for dump cars running on rails from Twenty-second street, when sufficient fill has been placed at the opening on pier site. The dumping ground established by the Secretary of War is located just to the north of the pier, and as long as this dumping of material continues the water at the bathing beach will be more or less contaminated.

It may not be necessary to build the upper part of crib for a distance of five hundred to six hundred feet out from the shore if ground has been made to the north of it in time.

The construction of pier and fill has been estimated at \$63,000. The construction, as outlined, is somewhat more expensive than that of Montrose boulevard, but the depth of water is already at the start as deep as the lake end of the Montrose pier, and increases to 14½ feet below datum.

MORGAN SHOAL ISLAND.

The conditions for the making of an island at this place are more or less difficult owing to the irregular and rocky bottom. The plans as proposed provide for an island to be formed around the shoal and of about forty-five acres area. Owing to the limited capacity of the bridge that would have to lead to this island and also on account of the difficulty in dumping material direct at this place so that dumpings in the lake would probably have to be rehandled, it would take a good many years to build the island as proposed. The outline of the island falls within the City Beautiful Plan.

The depth of water at the site varies from four to fifteen feet below city datum. The method proposed for forming the island is as follows: A ridge is made over the highest parts of the lake bottom as a center rib of the island with cross ridges to both sides, forming pockets for the deposited fill, with a rock-filled crib forming about a half circle on the side toward the shore, sunk in about twelve feet of water with rip-rap stones on both sides.

The ridges are supposed to be made of good-sized stones, bought from the Sanitary District, eight feet wide on top, five feet above water, and sloping one foot vertically in two feet horizontally. The rock-filled crib will be four feet above water and sixteen feet wide, built of 12 by 12 inch side timbers (half open) and cross timbers, made in sections, and sunk, but connected, above water, and floored over so that it can be used as a landing two thousand feet long.

The connection with the shore consists of a trestle built on cribs where the bottom is rock and the balance pile trestle to the existing pier at the Fifty-first Street Bathing Beach; this pier to be widened to the same width as the trestle, eighteen feet. This trestle is not intended as a permanent bridge, but will be kept in repair and used during construction for wagon traffic for which channel iron tracks are provided.

The first year the south half of the crib and the trestle should be built, as well as the two corresponding ridges forming the southwesterly pocket, and say, fifty thousand cubic yards dumped in place. This will cost about \$50,000. During the next four years the filling in should be continued and extended over the adjoining western pocket, completing the timber crib and ridge for same. The cost of this work is estimated at \$140,000, or \$35,000 for each of the four years. Total for five years \$190,000 for sixteen acres. In the following five years the middle pockets should be built and filled at a cost of about \$30,000 a year. Total cost in ten years for thirty acres \$340,000. The third five-year period should finish this work at a cost of about \$40,000 a year. Total cost therefor \$540,000, or about \$12,000 per acre, or for a 25 by 125-foot lot with share of the streets and alleys \$1,250.

In course of time the island is likely to increase by the action of the waves.

The price per cubic yard of fill (which is five-sixths of the whole work) is difficult to estimate closely. Quite an amount will be dumped free of charge, but the greater part will have to be paid for, and for the part above and near water level the material will have to be rehandled after dumping of same, except such material as is brought over the trestle.

Respectfully submitted,

(Signed) JOHN ERICSON,
City Engineer.

MONTROSE AVENUE RECREATION PIER AND BATHING BEACH.

ESTIMATE OF COST.

Timber, 92,000 ft., B. M., at \$40.00.....	\$ 3,680.00
Piling, 21,000 lin. ft., at \$0.20.....	4,200.00
Iron Rods, etc., 20,000 lbs., at \$0.03.....	600.00
Concrete Curb, 300 cu. yds., at \$8.00.....	2,400.00
Concrete Walk, 4,500 sq. ft., at \$0.16.....	720.00
Filling, 37,000 cu. yds., at \$0.20.....	7,400.00

	\$19,000.00
Paving, Contingencies, etc.....	3,000.00

	\$22,000.00

(Signed) KARL L. LEHMANN,
Chief Designer.

TWENTY-SECOND STREET RECREATION PIER AND
BATHING BEACH.

ESTIMATE OF COST.

Timber, 30,000 ft., B. M., at \$40.00.....	\$ 1,200.00
Piling, 40,000 lin. ft., at \$0.20.....	8,000.00
Rock, 10,000 cu. yds., at \$0.50.....	5,000.00
Iron Rods, etc., 16,000 lbs., at \$0.03.....	480.00
Filling, 100,000 cu. yds., at \$0.25.....	25,000.00
Concrete Walk, 6,000 sq. ft., at \$0.16.....	960.00
Subway under I. C. R. R., 300 lin. ft., at \$30.00.....	9,000.00
Railing, 1,000 lin. ft., at \$0.36.....	360.00

Immediate Outlay	\$50,000.00
Timber, 350,000 ft., B. M., at \$35.00.....	12,250.00
Rehandling Rock, 2,500 cu. yds., at \$0.30.....	750.00
	<hr/>

\$63,000.00
(Signed) KARL L. LEHMANN,
Chief Designer.

MORGAN SHOAL PARK.

ESTIMATE OF COST.

First Five Years' Work.

Brige to Island. (1,200 Feet.) First Year:	
Piling, 3,000 lin. ft., at \$0.20.....	\$ 600.00
Rock, 2,000 cu. yds., at \$0.50.....	1,000.00
Steel, 32 tons, at \$50.00.....	1,600.00
Bolts, Spikes, etc., 10 tons, at \$60.00.....	600.00
Timber, 210,000 ft., B. M., at \$40.00.....	8,400.00
Grading Road, 200 lin. ft., at \$1.50.....	300.00
	<hr/>

\$ 12,500.00

Crib to Protect Shore of Island. (2,000 feet.) First and Second Years:

Timber, 600,000 ft., B. M., at \$40.00.....	\$ 24,000.00
Rock, 23,000 cu. yds., at \$0.50.....	11,500.00
Iron Rods, etc., 25 tons, at \$60.00.....	1,500.00
	<hr/>

\$ 37,000.00

Making Island. (16 acres.) First Five Years:	
Rock, 40,000 cu. yds., at \$0.30.....	\$ 12,000.00
Filling, 428,000 cu. yds., about \$0.30.....	128,500.00

\$140,500.00

First Five Years.....	\$190,000.00
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First Year's Work.

Bridge	\$12,500.00
Crib (one-half)	18,500.00
Making Island	19,000.00

First Year's Work.....	\$50,000.00
------------------------	-------------

Second Five Years' Work.

Making Island. (14 acres.)	
Rock, 30,000 cu. yds., at \$0.30.....\$ 9,000.00
Filling, 470,000 cu. yds., at \$0.30..... 141,000.00
<hr/>	
	\$150,000.00

Third Five Years' Work.

Making Island. (15 acres.)	
Rock, 80,000 cu. yds., at \$0.30.....\$ 24,000.00
Filling, 587,000 cu. yds., at \$0.30..... 176,000.00
<hr/>	
	\$200,000.00

Grand Total for 45 Acres.....'.....540,000.00

SUMMARY.

1st year.....	\$ 50,000.00	9th year.....	\$ 30,000.00
2d year.....	35,000.00	10th year.....	30,000.00
3d year.....	35,000.00	11th year.....	40,000.00
4th year.....	35,000.00	12th year.....	40,000.00
5th year.....	35,000.00	13th year.....	40,000.00
6th year.....	30,000.00	14th year.....	40,000.00
7th year.....	30,000.00	15th year.....	40,000.00
8th year.....	30,000.00	<hr/>	
		Total	\$540,000.00

\$540,000 for 45 acres = \$12,000 per acre.

45 acres in 15 years = 3 acres per year.

Total Rock, cu. yds.	175,000
Total Earth, Sand and Clay, cu. yds.....	1,485,000
<hr/>	

Total Fill, cu. yds.....1,660,000

(Signed) KARL L. LEHMANN,
Chief Designer.

December 5, 1910.

Hon. Theodore K. Long, Alderman, Sixth Ward:

DEAR SIR,—Complying with your request, I hand you herewith a plan for proposed underground passage from the City park at the foot of Thirty-ninth street to a proposed bathing beach on the shore of Lake Michigan at this place. The estimated cost of this passageway is as follows:

Excavation	\$ 2,800
Concrete	6,000
Iron Inforcement	300
Engineering Inspection, etc.....	900
<hr/>	
Total	\$10,000

I estimate that a foot bridge about 12 feet wide and reaching from the City park to this bathing beach would cost about \$6,000. No plans

for such a bridge have been made, but it is believed that the estimate is approximately correct.

I also hand you herewith tracings of proposed bathing beaches and piers at Montrose boulevard, Twenty-second street and Fifty-first street.

Yours truly,

JOHN ERICSON,
City Engineer.

J.E.—M.C.

9. COMMITTEE'S RECOMMENDATIONS.

In the presentation of a plan for the establishment of bathing beaches and recreation piers, it is to be understood that the same is necessarily more or less tentative. The proposition is one that can not be worked out upon any fixed basis at this time. Yet it is a decided advantage that at least the general outline of the scheme should be well understood and determined as something to which we can hope to attain. The committee recommends the adoption of a plan which contemplates the establishment eventually of not less than seven municipal bathing beaches to be established substantially as follows:

1. Montrose avenue.
2. Diversey boulevard. (This beach has recently been opened by the Lincoln Park Commission.)
3. Ohio street.
4. Twenty-second street to Twenty-fifth street. (A small beach is now maintained by the city at Twenty-fifth street.)
5. Thirty-ninth street.
6. Jackson Park. (The South Park Commission has already formulated tentative plans for this beach.)
7. Seventy-ninth street. (The city now maintains a small beach at this place.)

The above beaches are shown in detail in the diagram marked "Plate 1."

In addition to the foregoing, the committee recommends that provision be made for filling in Morgan Reef between Forty-eighth and Fifty-first streets in accordance with the plans of Engineer Ericson, as slightly modified by Mr. Edward H. Bennett, to conform to the general shore lines of the Commercial Club plans, as revised October 25, 1910. (See "Plate 2.")

The committee also recommends that provision be made for

the commencement of work at Montrose avenue on the city's land at that point, and also at Twenty-second street, as soon as suitable arrangements can be made with claimants of the shore at the last named point, and also at Thirty-ninth street.

The foregoing recommendations of the committee contemplate initial expenditures as follows:

Montrose avenue	\$ 22,000
Twenty-second street	63,000
Thirty-ninth street	15,000
Morgan Shoal	50,000
 Total	 \$150,000

For complete details of the foregoing expenses see estimates of City Engineer Ericson.

Your committee recommends that a bond issue be provided for to cover cost of bathing beaches and lake-shore improvements, as herein contemplated.

Respectfully submitted,

COMMITTEE ON BATHING BEACHES AND RECREATION PIERS,
By W. P. DUNN,
Chairman.

LAKE SHORE RECLAMATION COMMISSION,
By THEODORE K. LONG,
Chairman.

III.

SKETCHES, PLANS, STUDIES AND DRAWINGS.

The accompanying sketches, plans, studies and drawings were the result of frequent conferences between representatives of the Committee on Bathing Beaches and Recreation Piers, the Lake Shore Reclamation Commission, Mr. D. H. Burnham and Mr. Edward H. Bennett representing the Commercial Club Plan Committee, Mr. Charles H. Wacker, Chairman of the Chicago Plan Commission, and others, and are proffered as a tentative basis for the development of the lake shore, with reference to bathing beaches, for the reason that they seem to constitute a general scheme the initial expense of which does not render

the same prohibitory and the ultimate accomplishment of which is not remotely distant.

November 4, 1910.

Alderman Theodore K. Long, Chairman, Lake Shore Reclamation Commission, Chicago, Illinois:

DEAR SIR,—I herewith submit to you a set of nine (9) drawings, including a general plan of the Lake Shore from Montrose avenue to Seventy-ninth street, detailed studies of the Montrose avenue bathing beach and the Fifty-first street island and beach, also two colored perspective views.

I also return the four blue-prints of the Department of Public Works.

Yours very truly,

E. H. BENNETT.

LIST OF DRAWINGS, ETC., RELATING TO THE BATHING BEACHES, SUBMITTED TO
ALDERMAN THEODORE K. LONG, NOVEMBER 4, 1910.

Plate 1. Blue-print of the Lake Shore from Montrose avenue to Seventy-ninth street.

Plate 2. Brown-line print of Morgan Shoal and bathing beach.
(Small scale.)

Plate 3. Brown-line print of Morgan Shoal and bathing beach.
(Large scale.)

Plate 4. Brown-line print of Montrose avenue recreation pier and bathing beach.

Plate 5. Plan of proposed pavilion and bathing beach at Montrose avenue.

Plate 6. Elevation of proposed pavilion and bathing beach at Montrose avenue.

Plate 7. Brown-line print of Twenty-second street recreation pier and bathing beach.

Plate 8. Perspective view of island and beach at Fifty-first street.

Plate 9. Perspective of Montrose avenue bathing beach and pavilion.

Also four blue-prints submitted by the Department of Public Works, November, 1909.

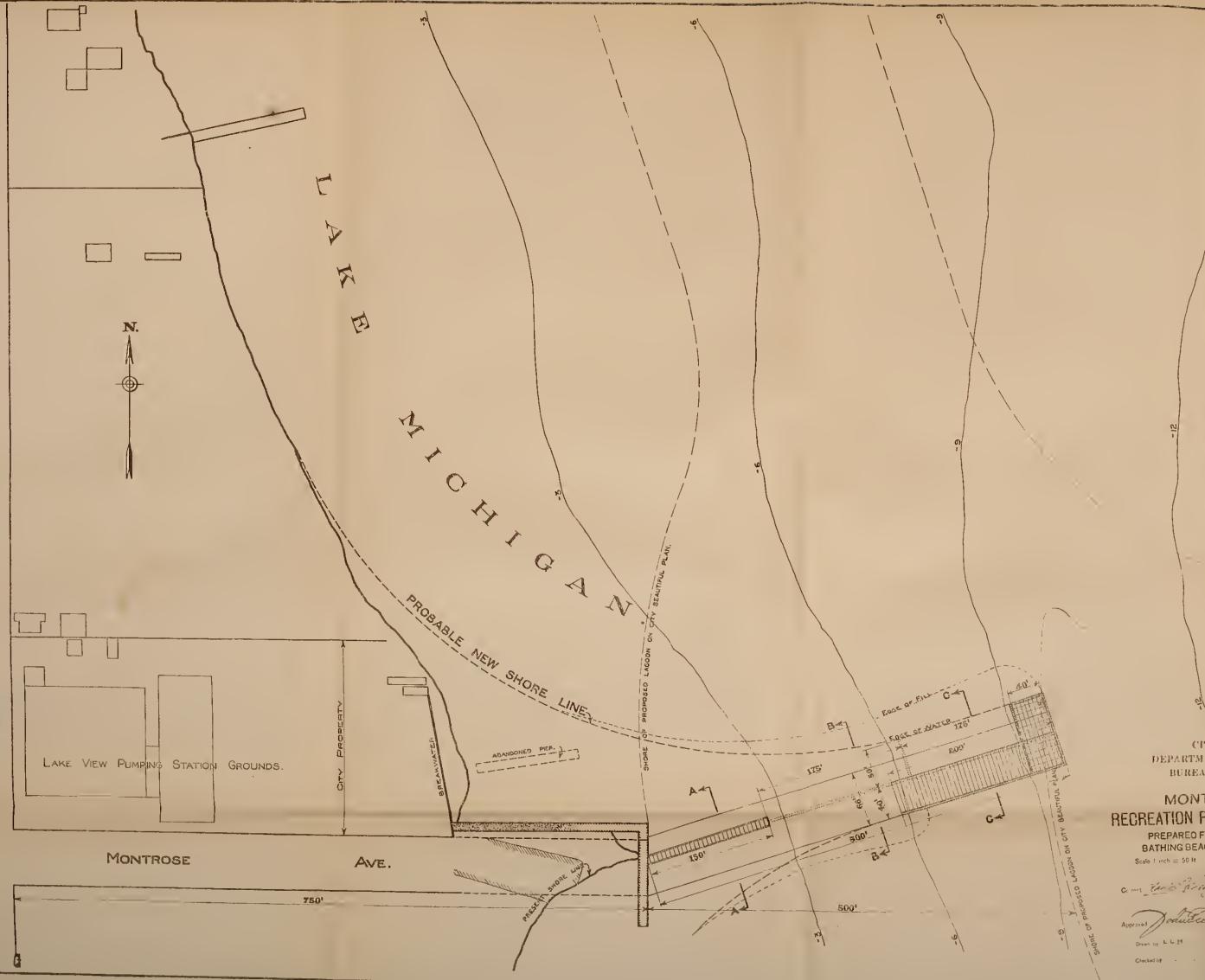


PLATE A

CITY OF CHICAGO
DEPARTMENT OF PUBLIC WORKS
BUREAU OF ENGINEERING
DESIGNING DIVISION
MONTROSE AVENUE
RECREATION PIER AND BATHING BEACH
PREPARED FOR COUNCIL COMMITTEE ON

PREPARED FOR COUNCIL COMMITTEE ON
BATHING BEACHES AND RECREATION PIERS

50 ft November, 1903

22

Approved Date: Aug 1

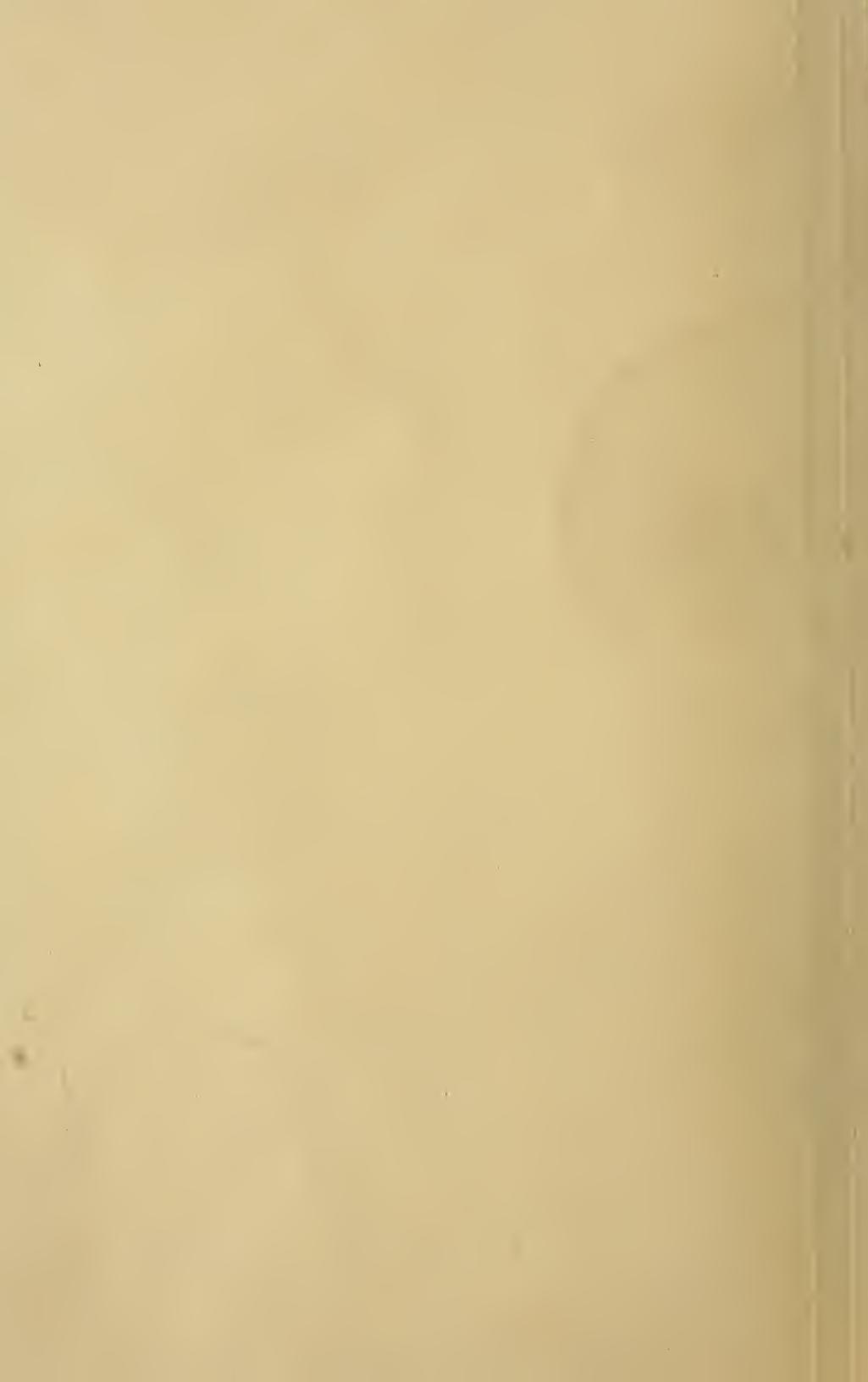
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Line Number 24800

C.C.

THE VARIOUS
METHODS OF
TAKING A SURVEY



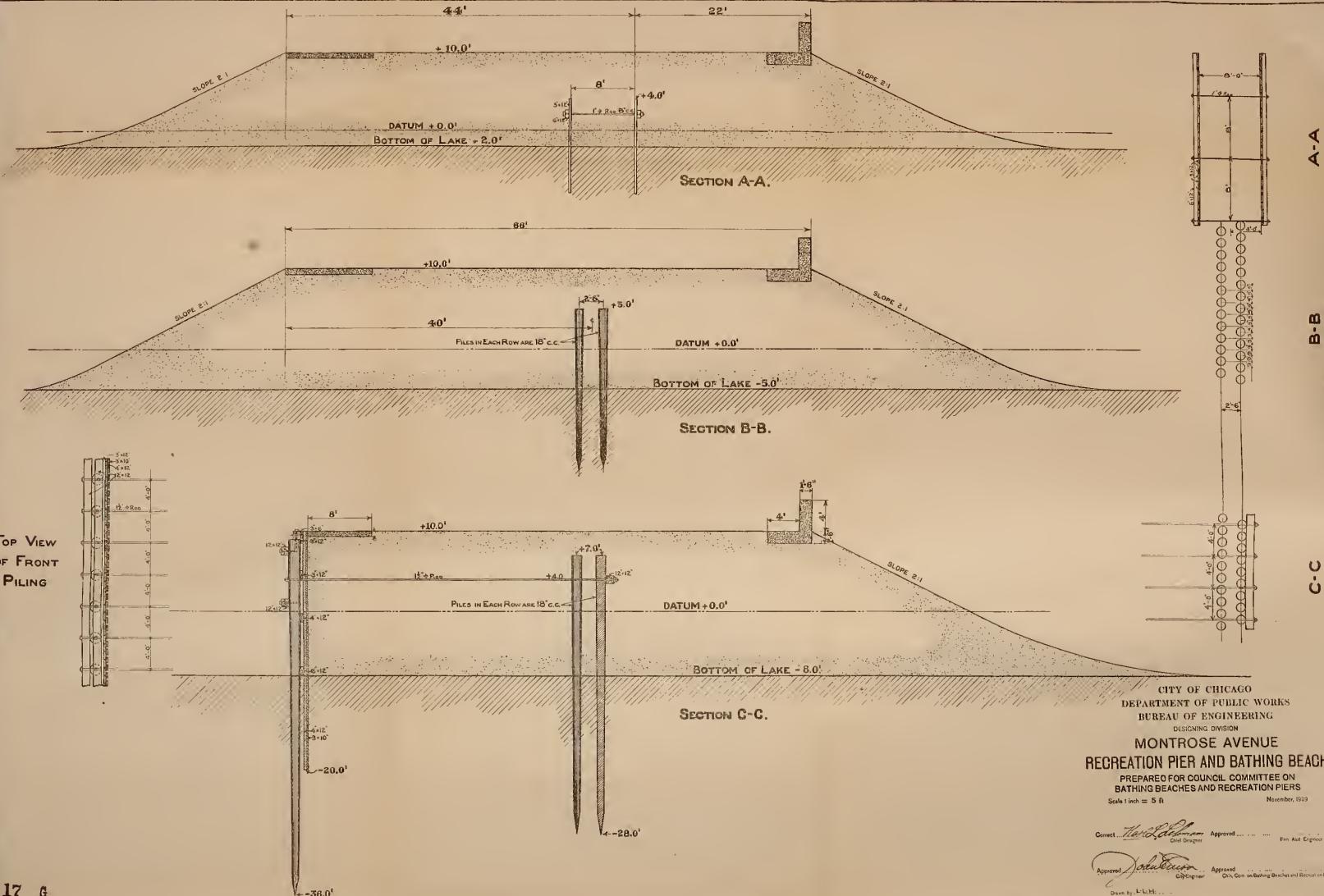
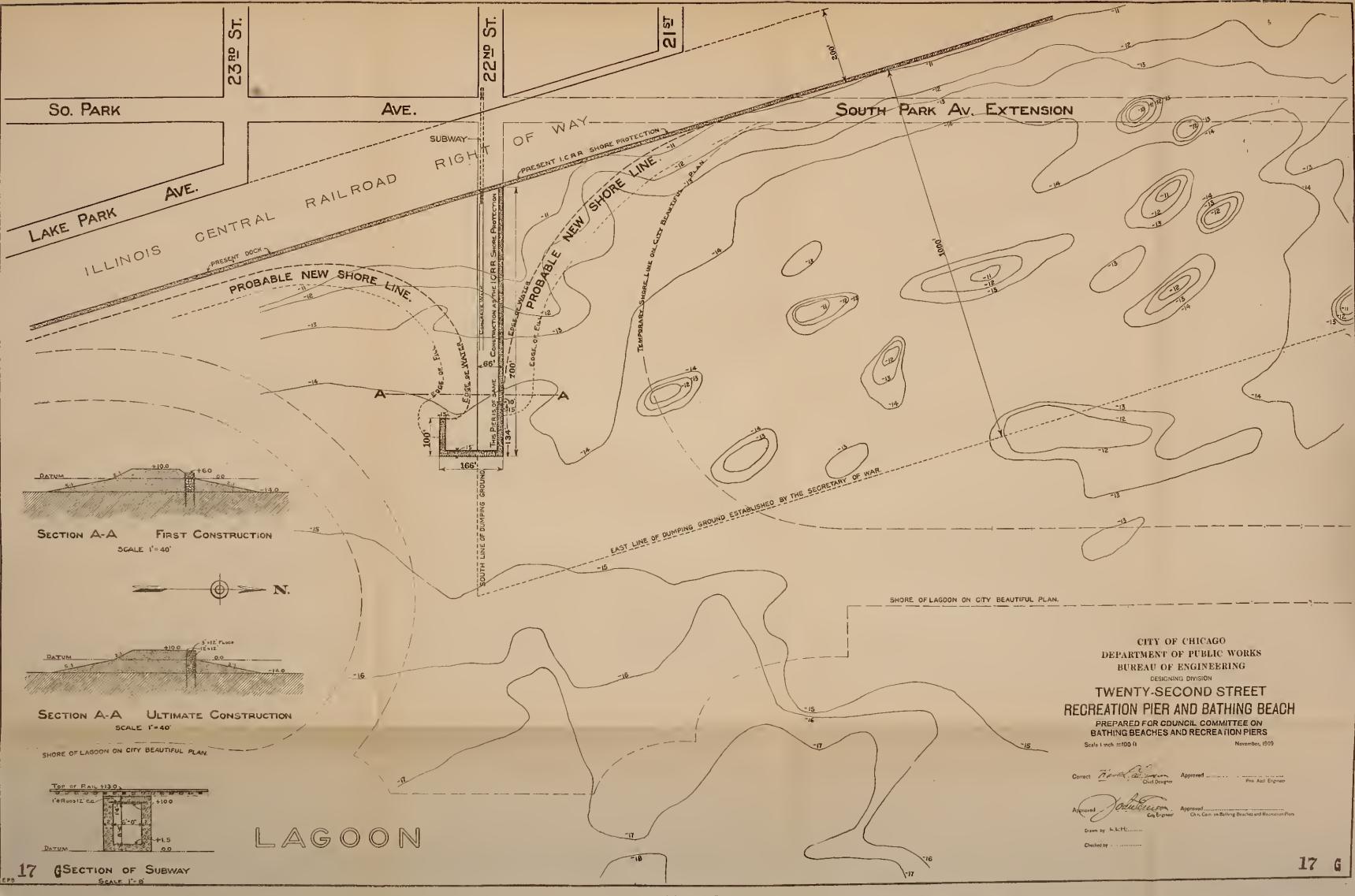


PLATE B.



WEDNESDAY

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WED

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WEDNESDAY

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WEDNESDAY

WEDNESDAY

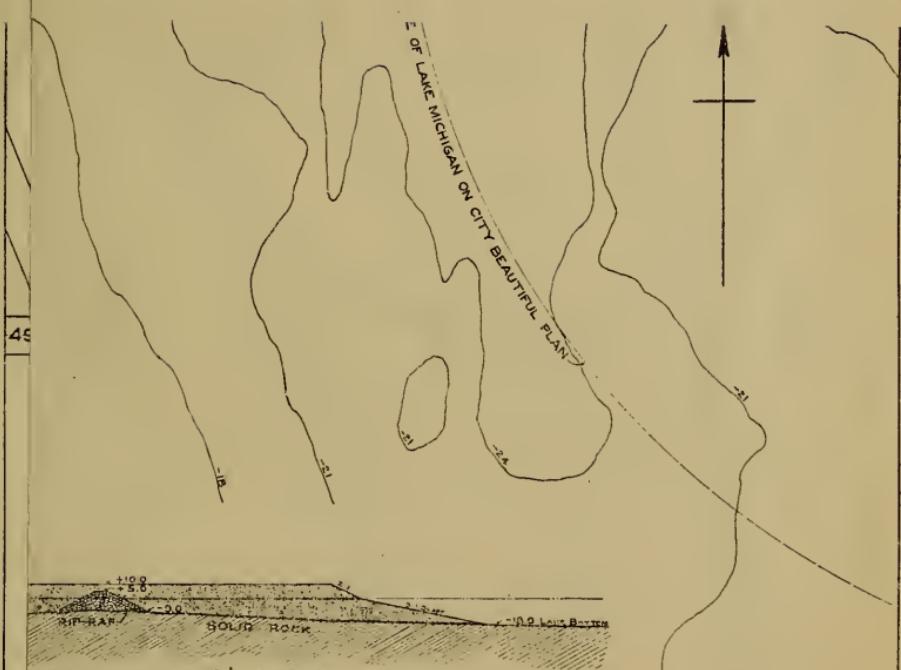
WEDNESDAY

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WEDNESDAY

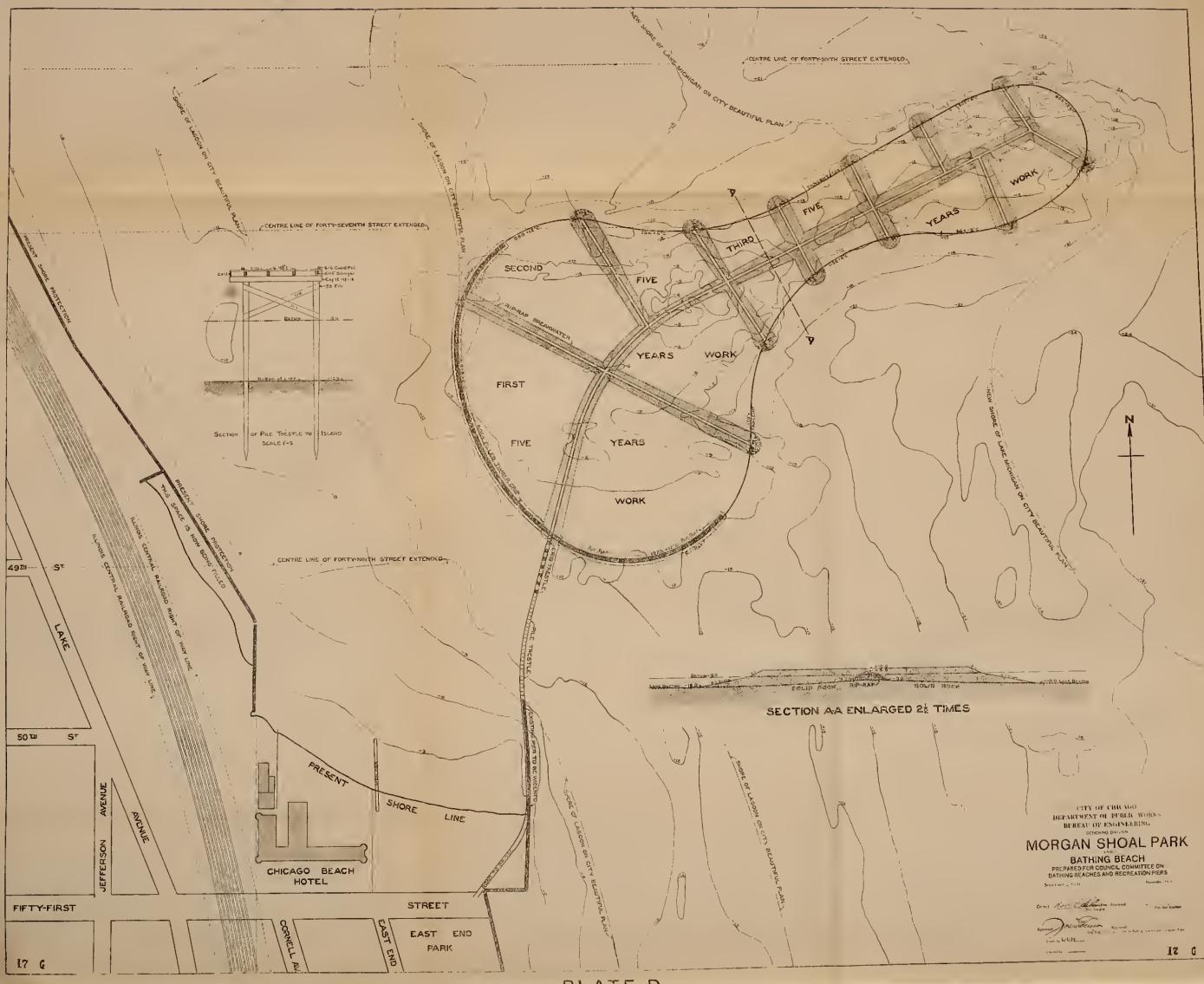


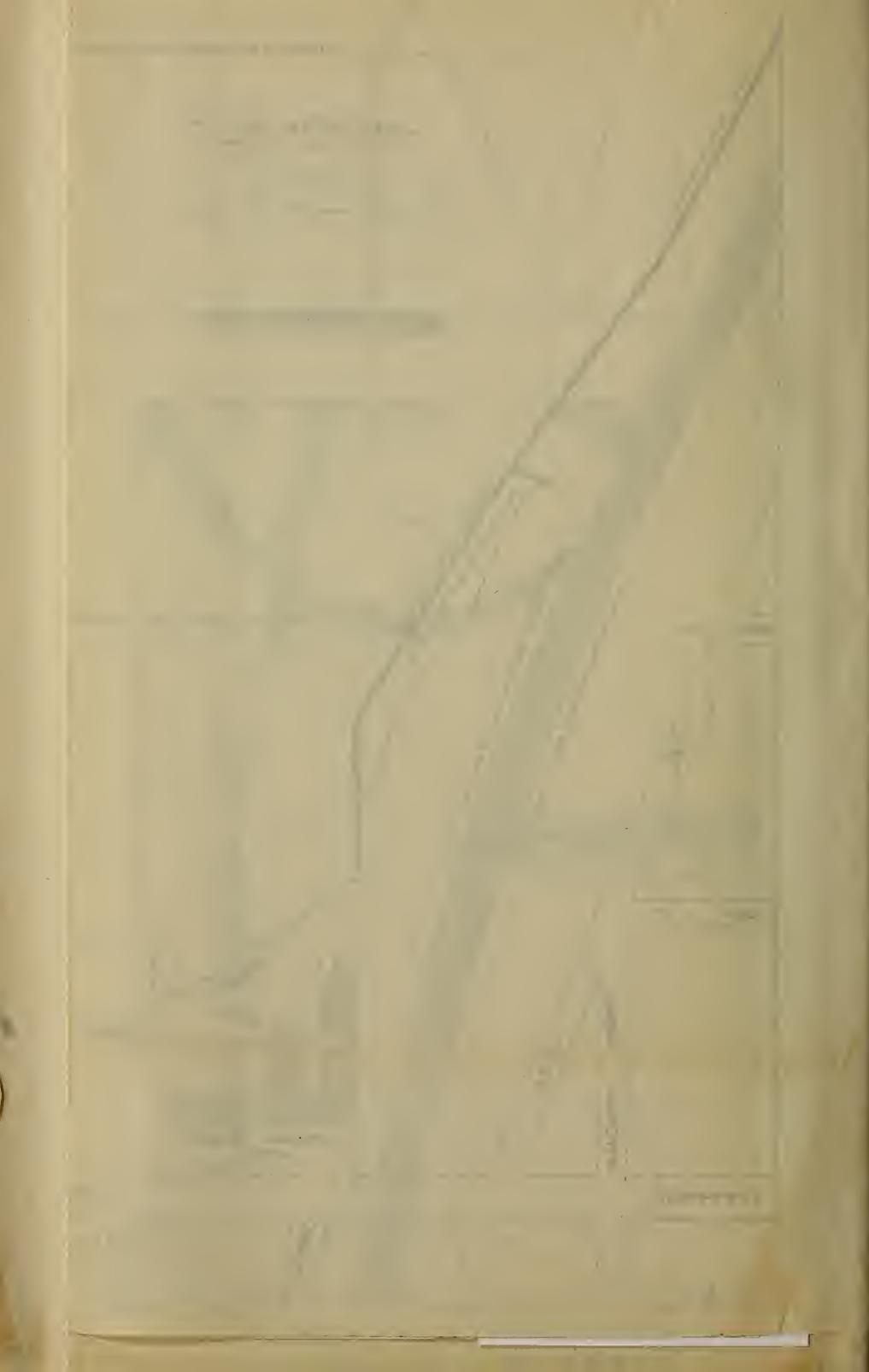
CITY OF CHICAGO
 DEPARTMENT OF PUBLIC WORKS
 BUREAU OF ENGINEERING
 DESIGNING DIVISION
MORGAN SHOAL PARK
 AND
BATHING BEACH
 PREPARED FOR COUNCIL COMMITTEE ON
 BATHING BEACHES AND RECREATION PIERS

Scale 1 inch = 100 ft

November 1909

Approved *John P. Adams* Approved *John H. Johnson*
 Out Design *John P. Adams* Out Design *John H. Johnson*
 Drawn by *John P. Adams* Drawn by *John H. Johnson*





Coal Siding:

f. & T. Track

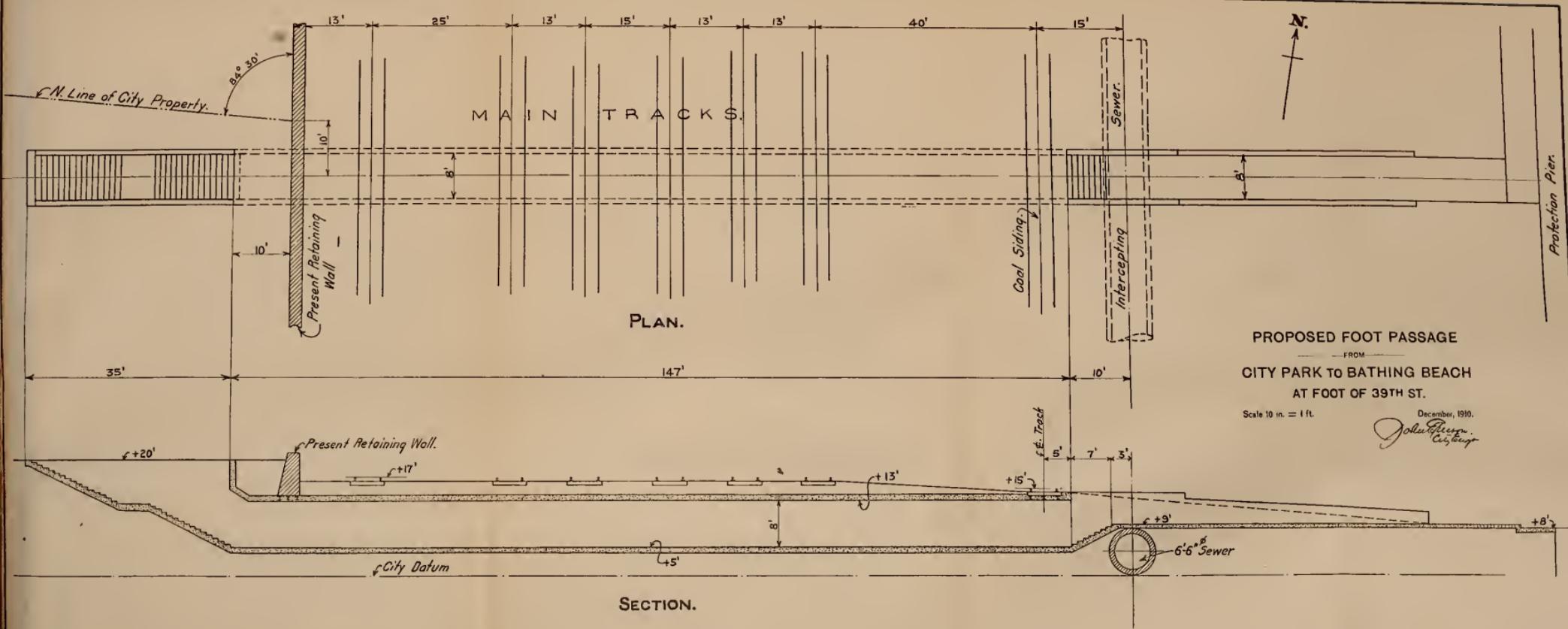
+ 15'

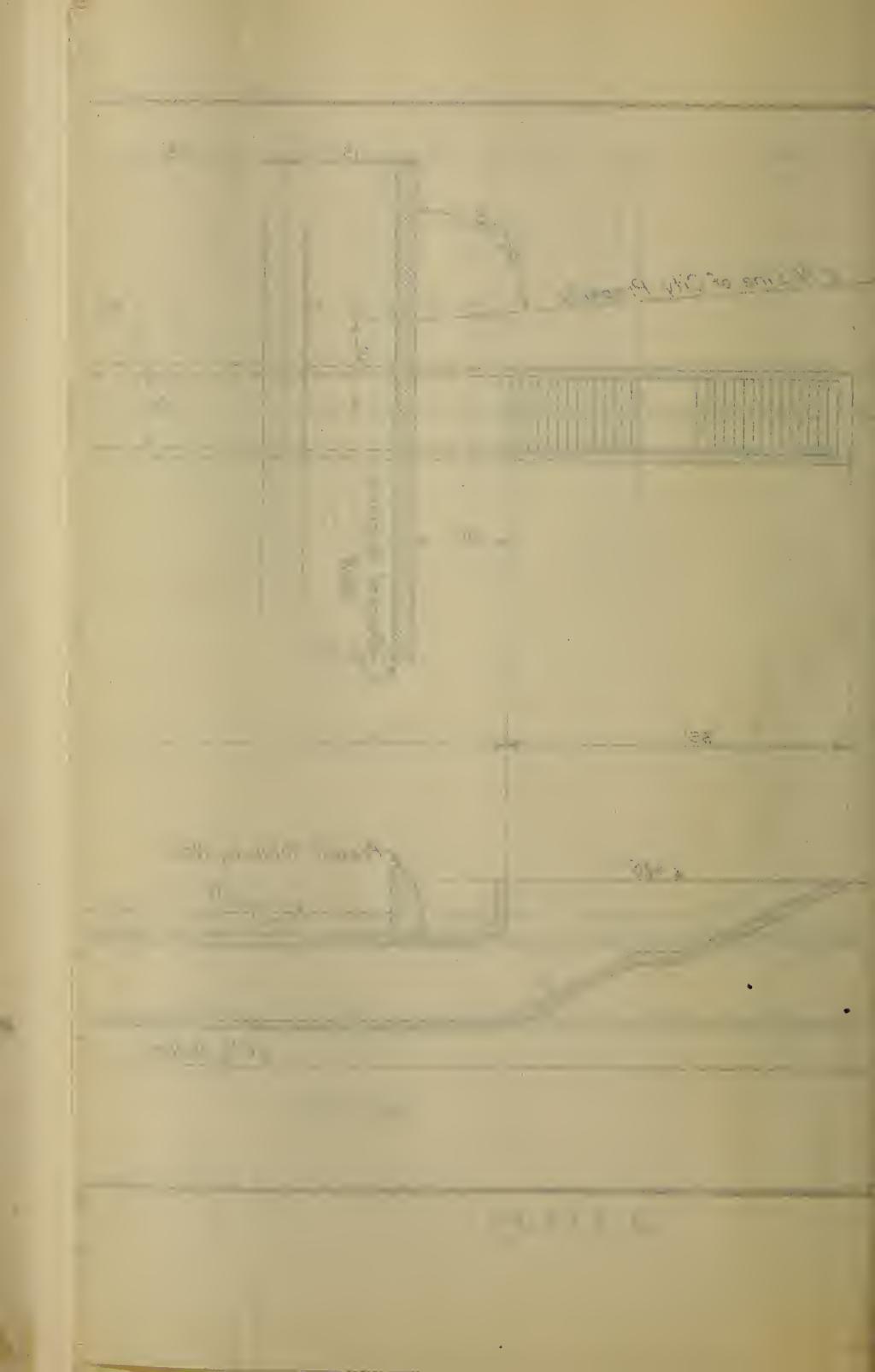
5'

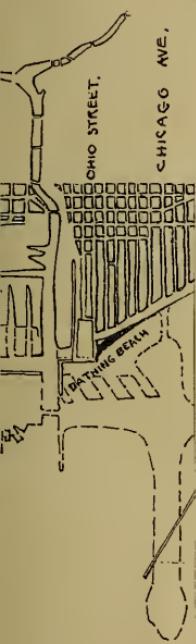
ST. LOUIS & SAN FRANCISCO RAILROAD

ST. LOUIS & SAN FRANCISCO RAILROAD

ST. LOUIS & SAN FRANCISCO RAILROAD







SHOWING
BACHES.

2 1/2

1

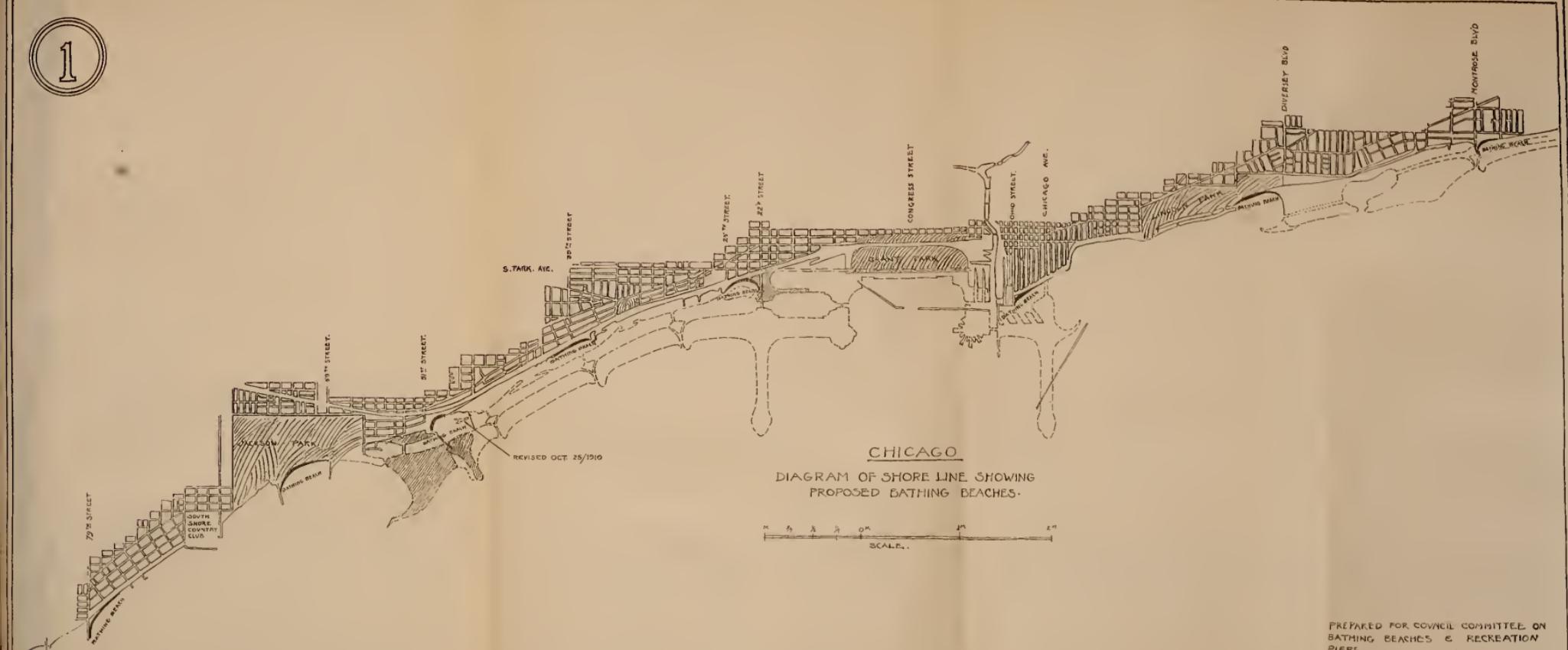
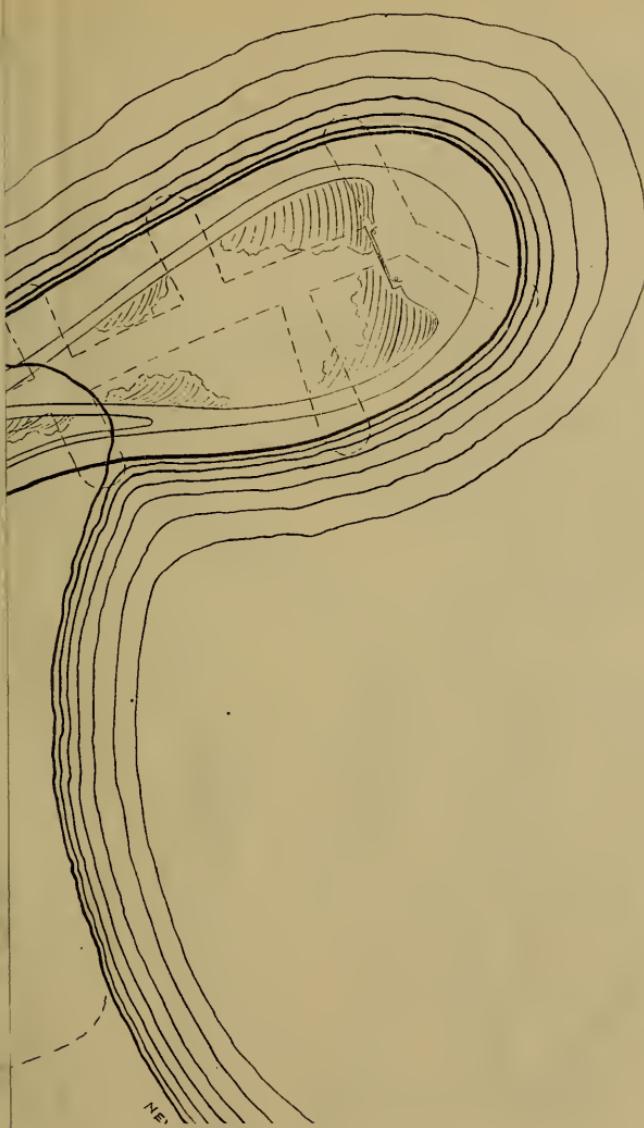


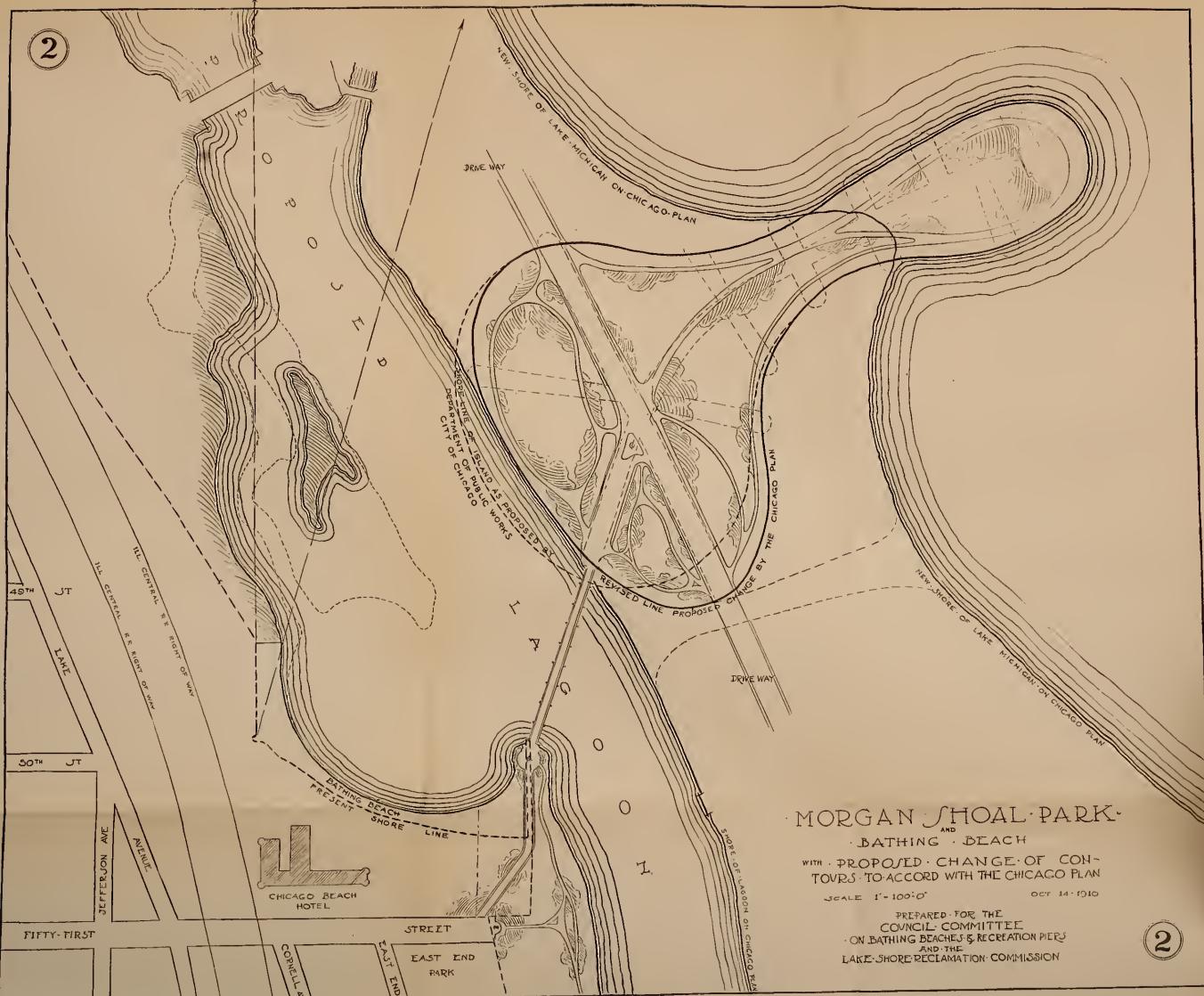
PLATE I.





5

2



MORGAN SHOAL PARK AND BATHING BEACH

WITH PROPOSED CHANGE OF CON-
TOURS TO ACCORD WITH THE CHICAGO PLAN

SCALE 1:100,000 OCT 14 1910

PREPARED FOR THE

PREPARED FOR THE
COUNCIL COMMITTEE
ON BATHING BEACHES & RECREATION PIERS
AND THE
LAKE-SHORE RECLAMATION COMMISSION

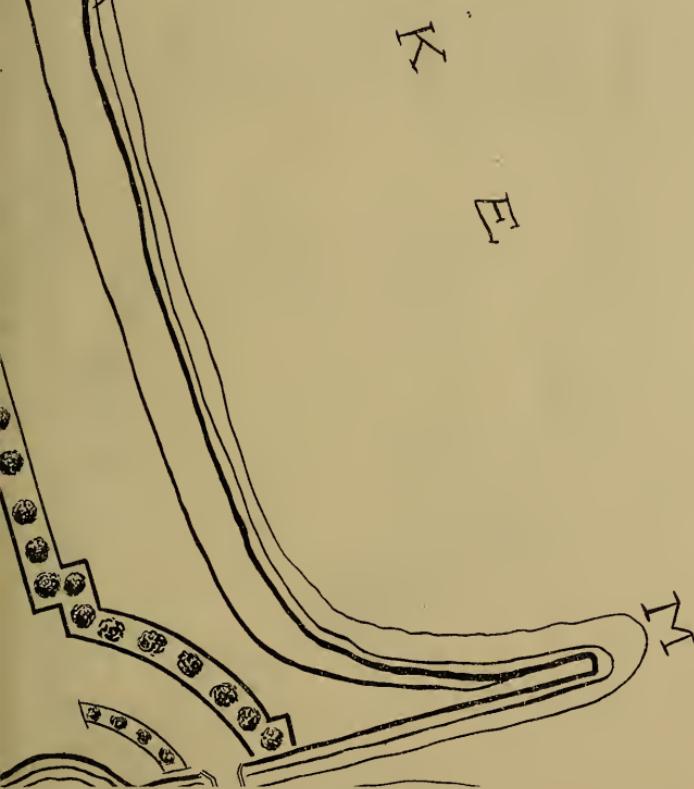
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PLATE 2.

5

JET
ING BEACH

B. 1910



3

MONROSE AVENUE

RECREATION PIER & BATHING BEACH

SCALE 1" = 50' 0"

FEB. 1910

THE COUNCIL-COMMITTEE ON
BATHING BEACHES AND RECREATION PIERS

MONROSE

AVE

PROPOSED BATHING PAVILION

PROPOSED CHANGE OF LOCATION
SHOWING OPENINGS UNDER PIERS

LOCATION SUGGESTED BY
DEPARTMENT OF PUBLIC WORKS

ST.

HALSTED



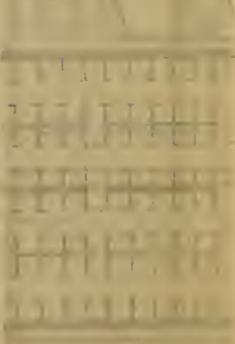
PAVILIO

BAR

BOAS

WINE

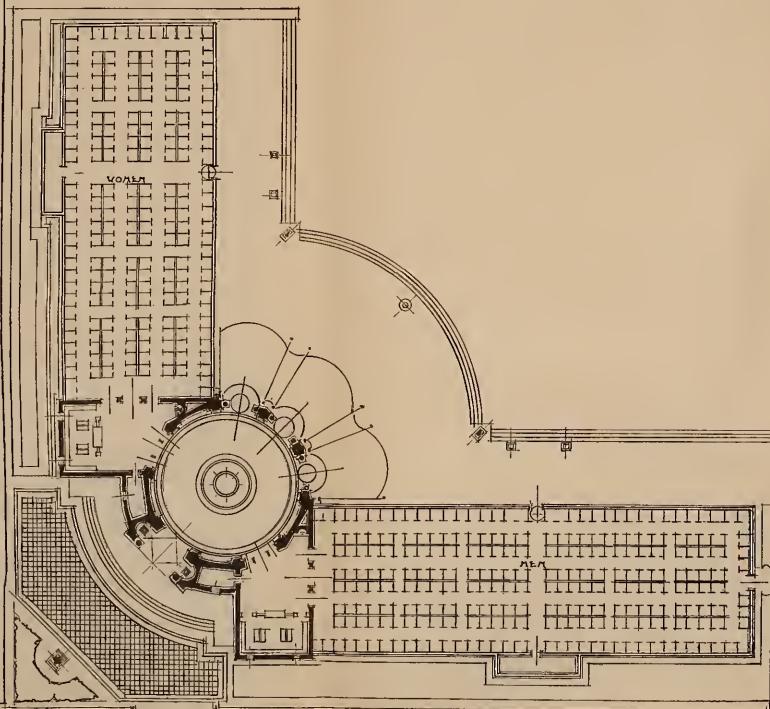
COFFEE



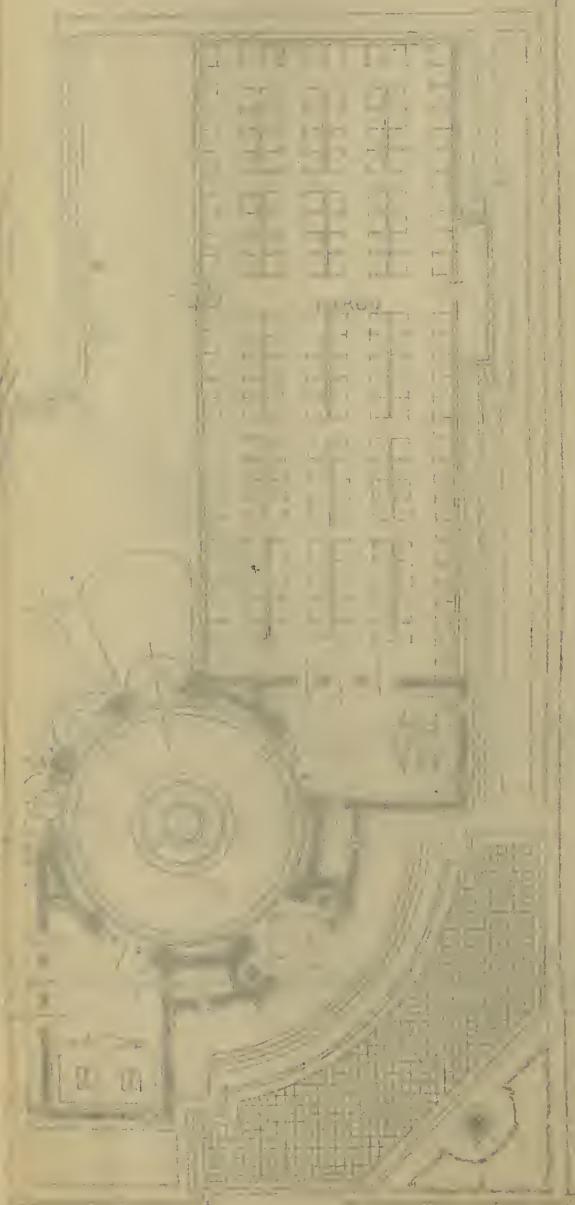
PROPOSED
PAVILION AND BATHING BEACH
AT MONTROSE AVENUE

COUNCIL COMMITTEE ON
BATHING BEACHES AND RECREATION PIERS

POWER HOUSE



MONTROSE AVE.



PROTECT
SHORE-LINE

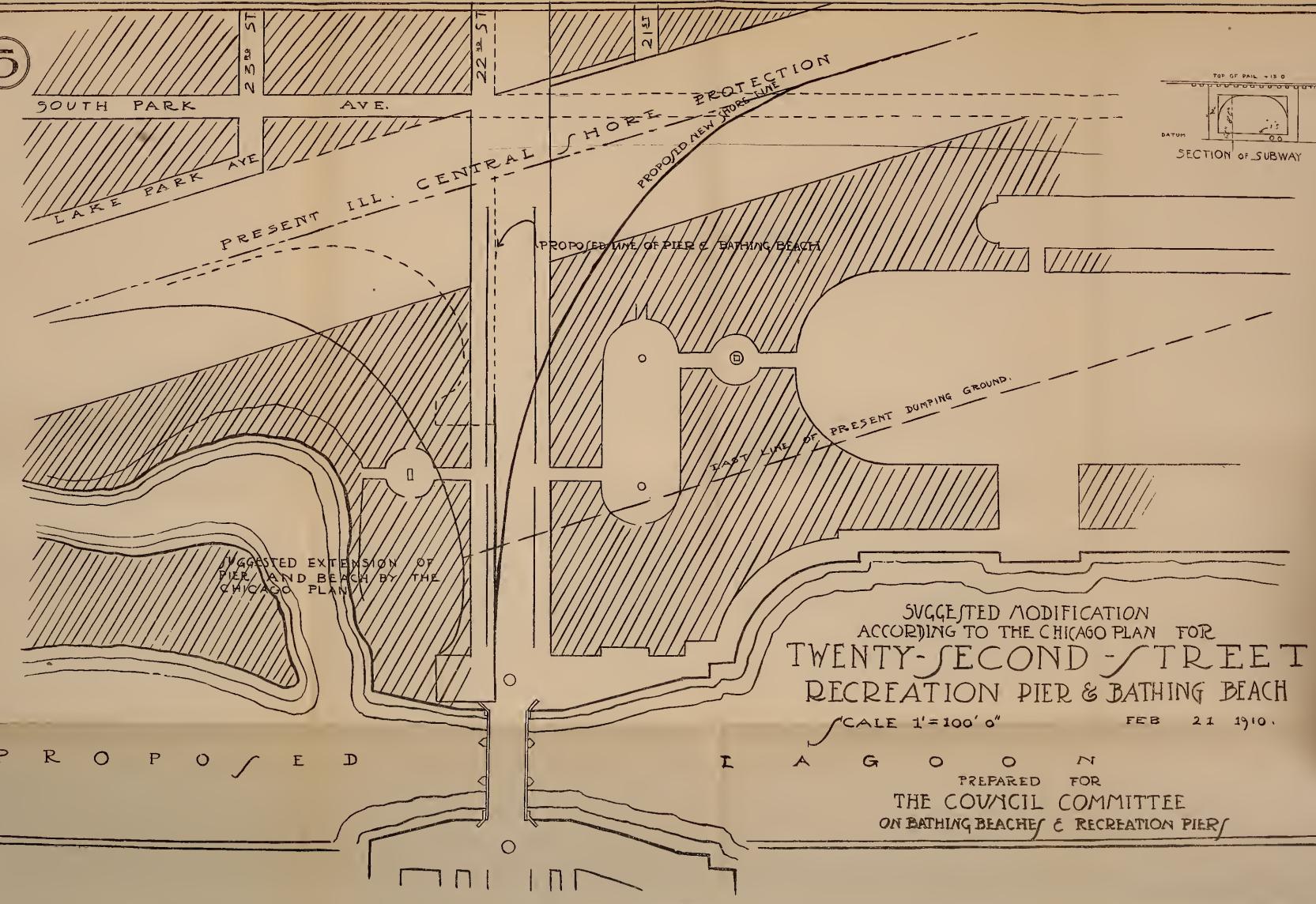
BATHING BE

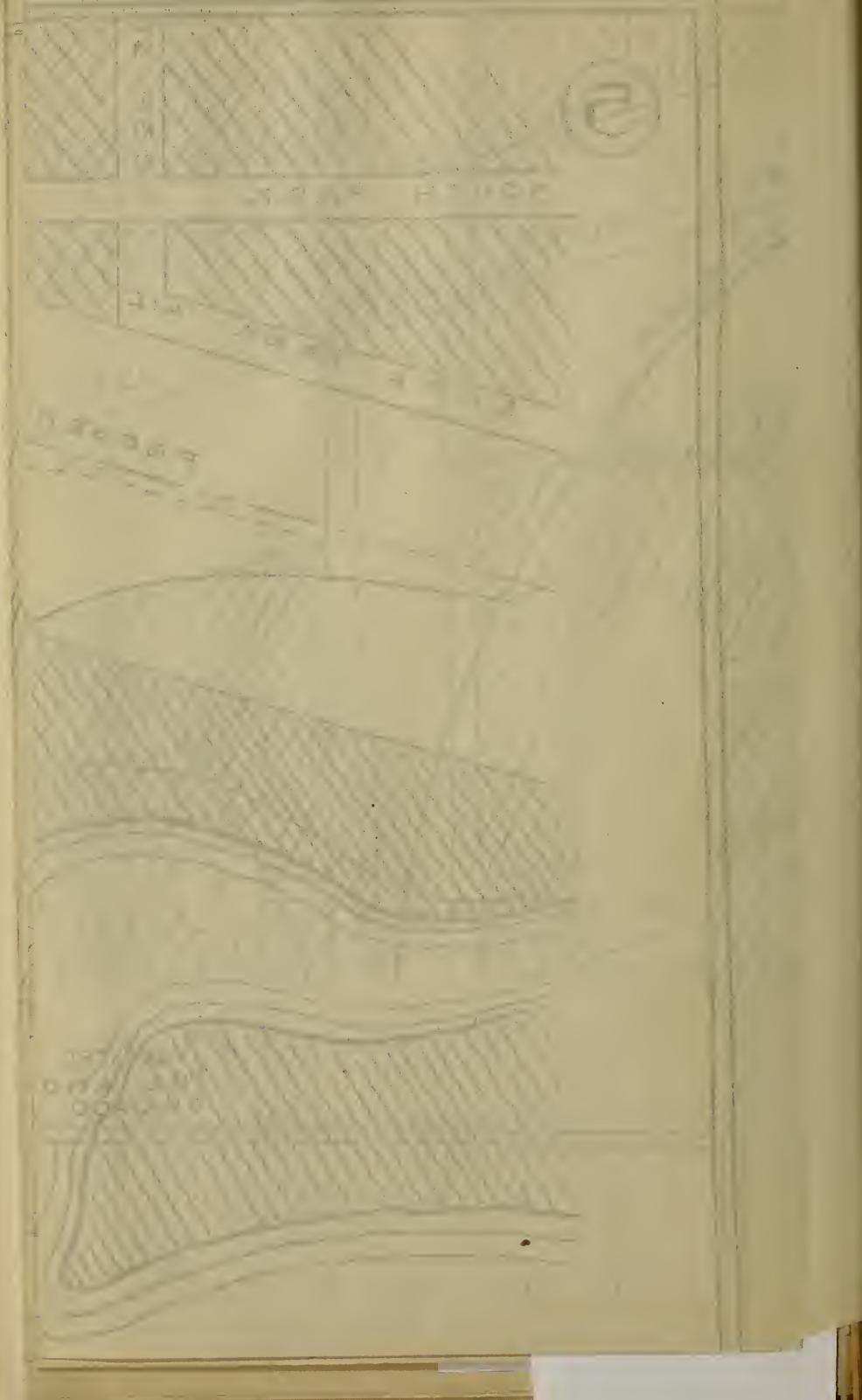
①

AST LINE

ROCK
STREET
HOME & PARK

5







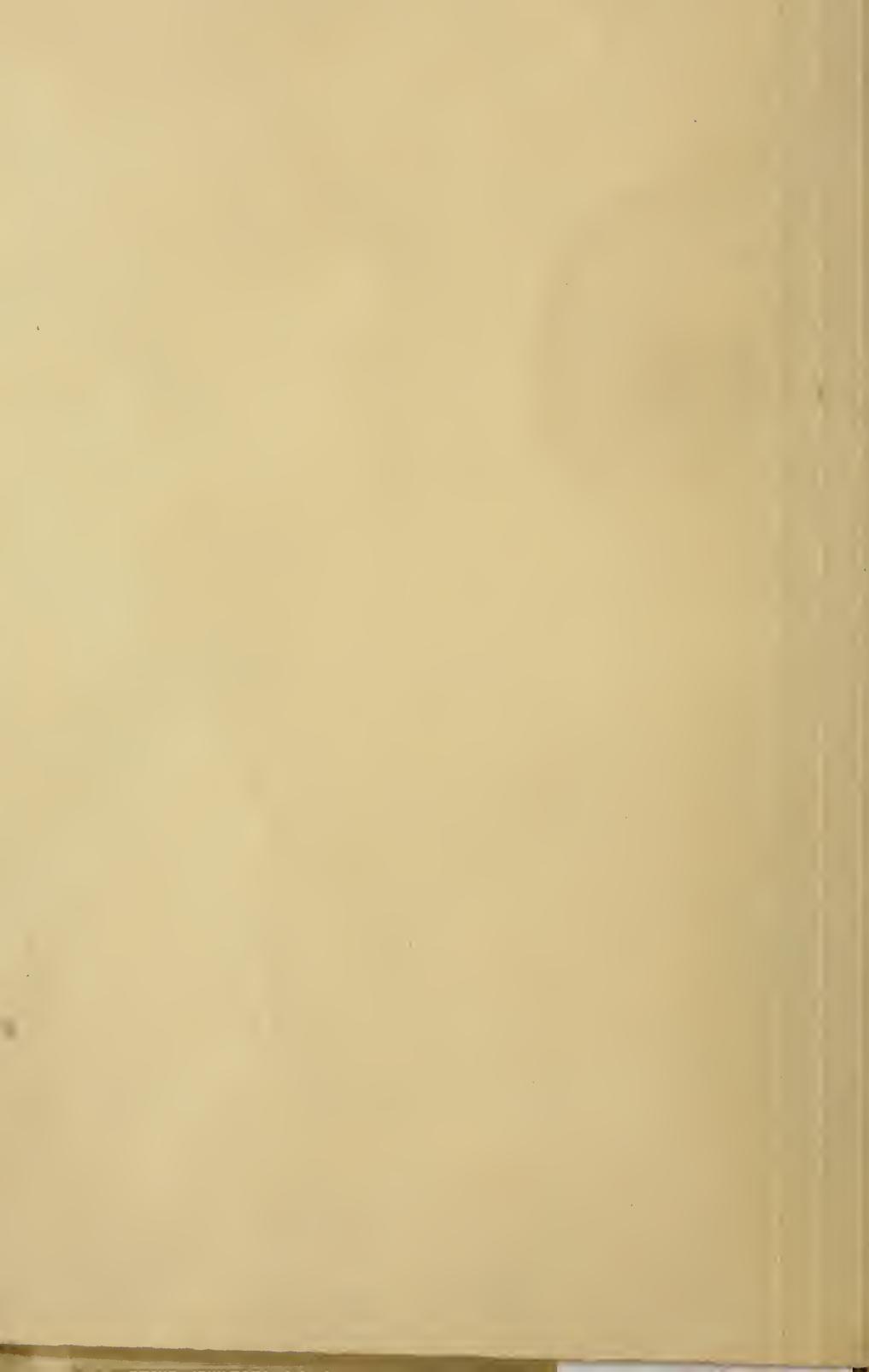
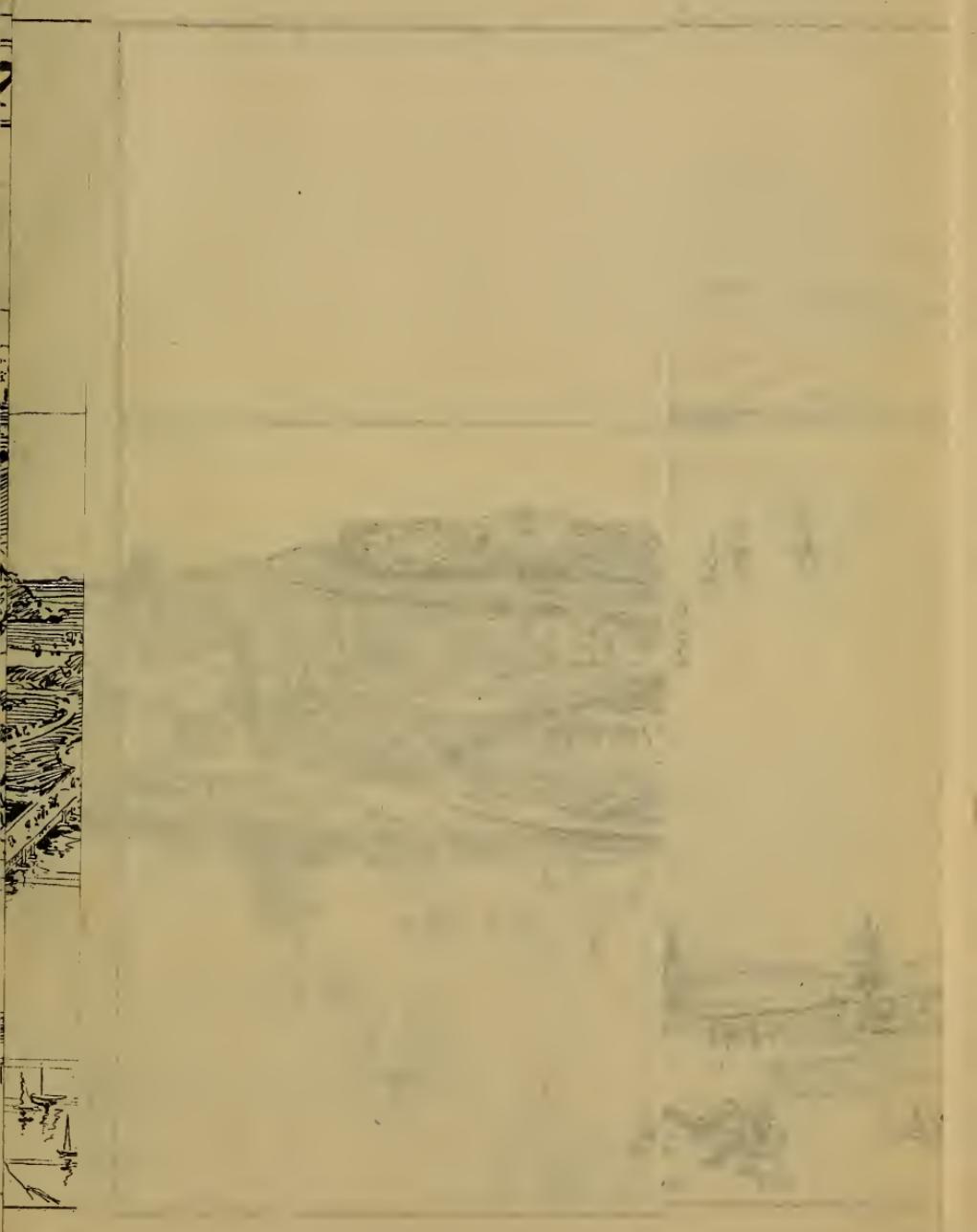




PLATE 6.





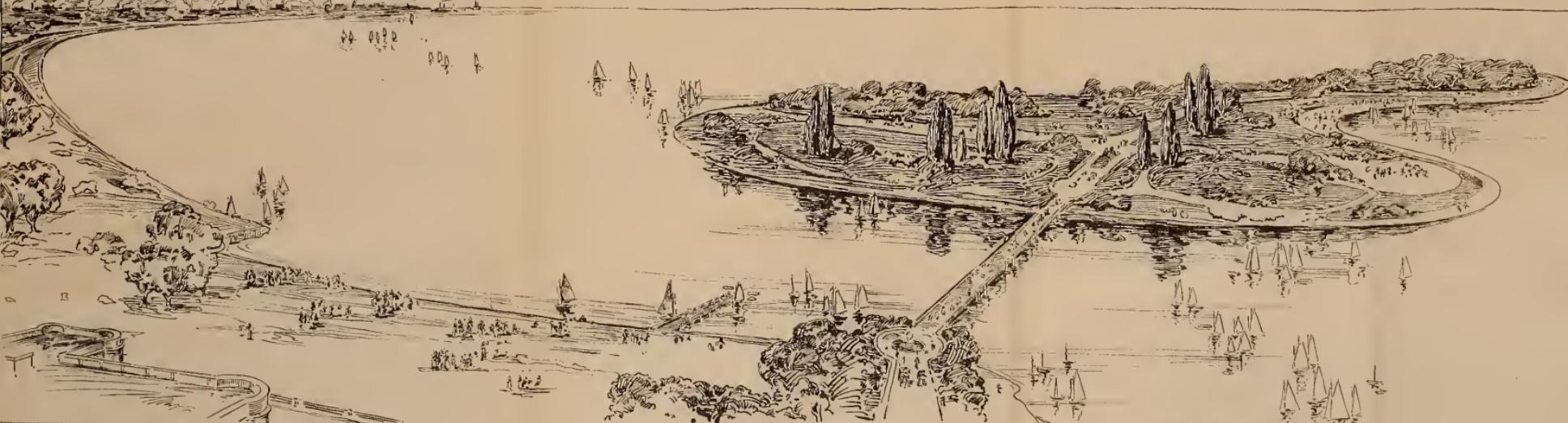
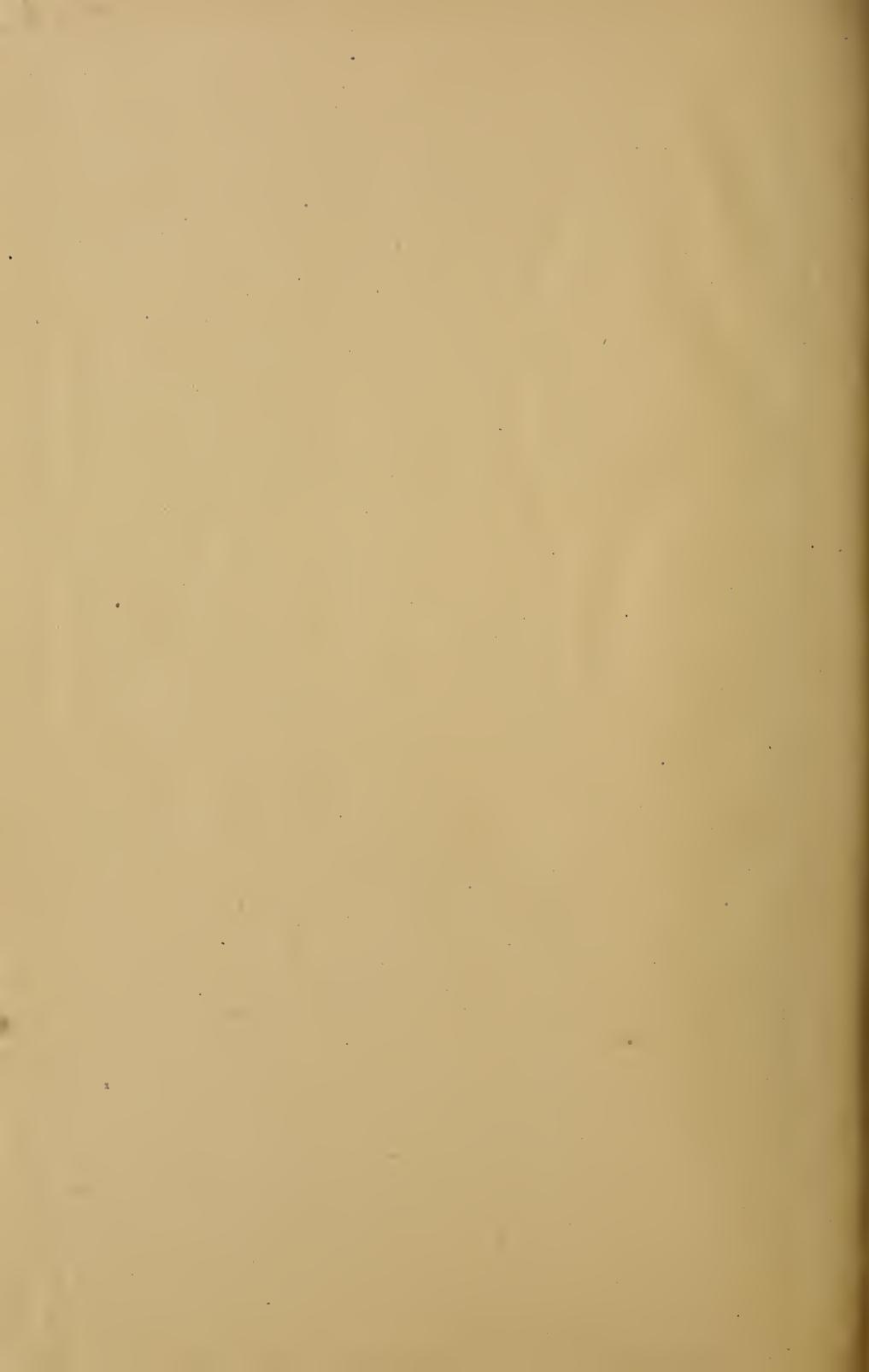


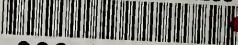
PLATE 7.

5

White, Joshua, III. 29.



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